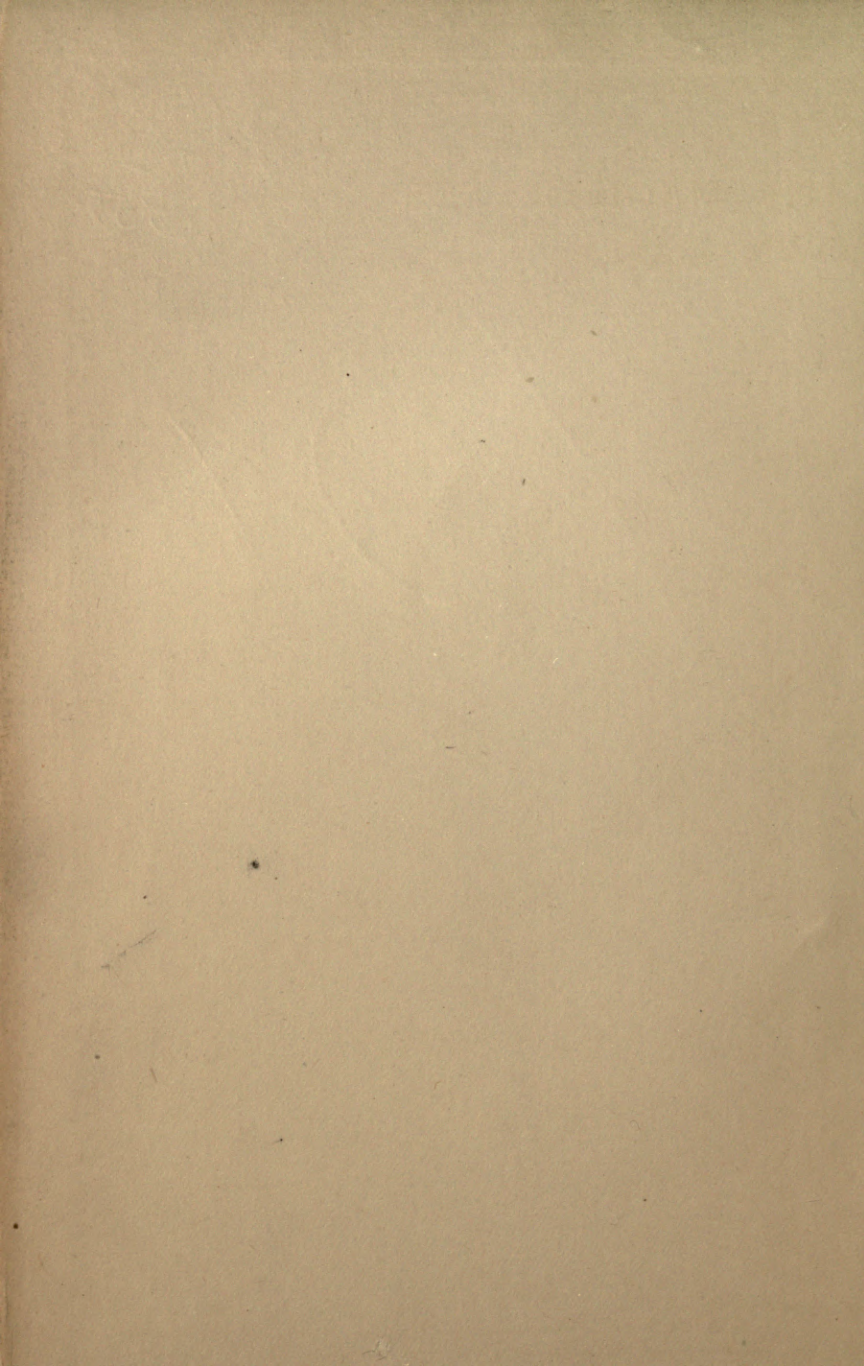


BY YALIE ROSENKRANTZ

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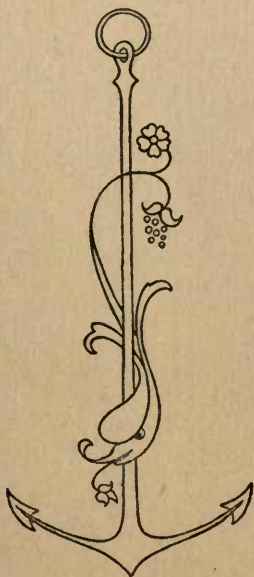
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THE MAGISTRATE'S
OWN CASE

THE MAGISTRATE'S OWN CASE

BY

BARON PALLE ROSENKRANTZ



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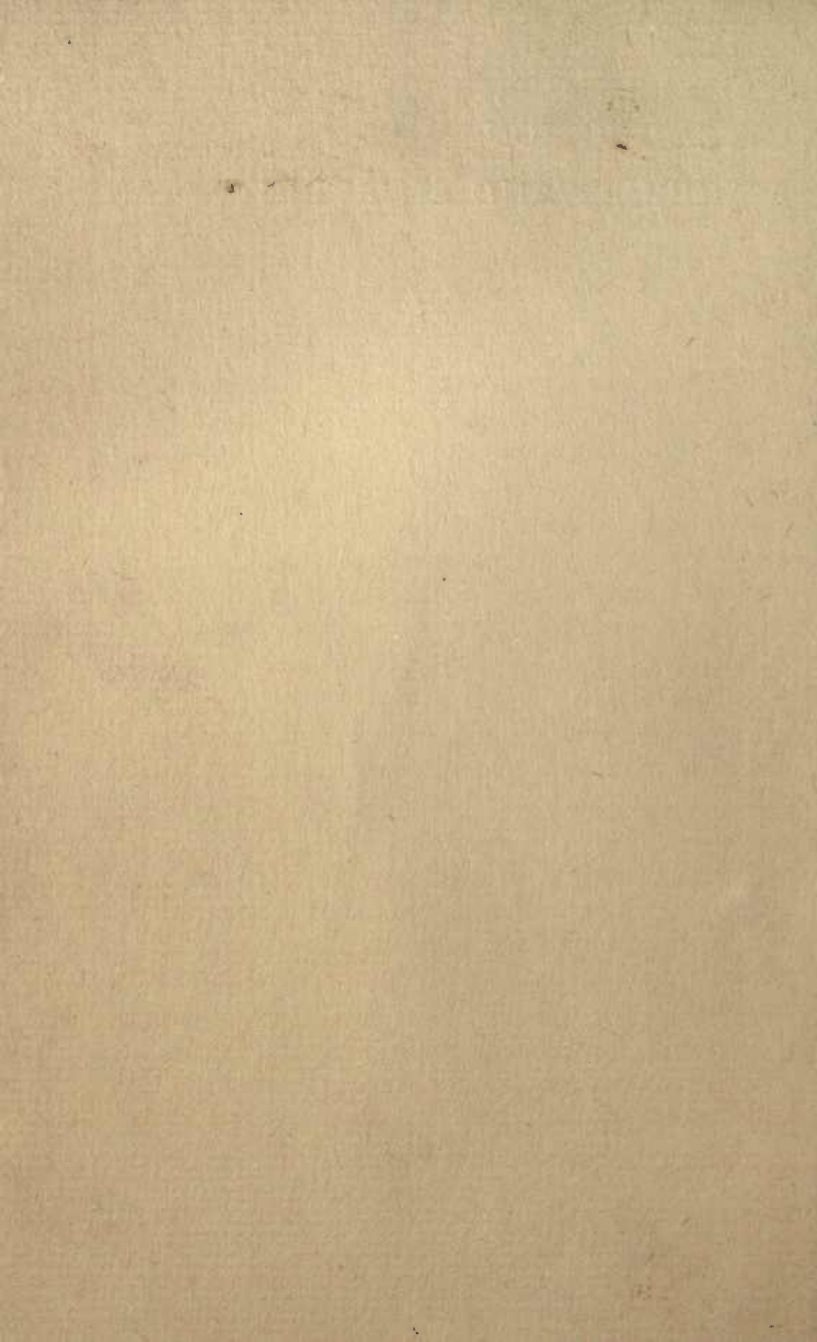
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INTRODUCTION

A MURDER AND AN ARREST



CHAPTER ONE

THE Rheingan is the name of that country of vineyards through which the Rhine flows round the bend at Bingen, past the Castle of Ehrenfels, to the north. Here, at Rudesheim and Asmannhausen, the Rhenish grape is pressed into wine; and here the people are happy and good, for the soil is rich and their life is easy. The bright river flows on toward the north, its ripples murmuring of old legends and songs. Down to the water slope the vine-clad hills, which merge on the north-east in the range of Taunus, a lofty, wooded mountain tract, which shields the Rhine valley between Mainz and Bingen, and the main valley between Mainz and Hanau, from the cold north wind.

The Taunus is a beautiful stretch of hills, not wild or rugged, but friendly and peaceful, with views across wide forests and over the two silvery rivers, where they flow between steep banks covered with vines. Just where the Rheingan ends and the Taunus begins, on the southern slope lies the world-renowned watering-place, Wiesbaden. Further to the north-east, on the south side of the Taunus, lies Königstein, with the ruins of the old castle of

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Falkenstein—like an eagle's nest on a mountain-top south of Altkönig and Feldberg, 'summits of nearly 3,000 feet. And here at Falkenstein is situated the largest sanatorium for consumption in Germany. From it a road leads under the wooded hillside past the little town of Cronberg with its railway station to the second largest of the watering-places of Taunus—Homburg vor der Höhe.

Homburg is a small town of about 10,000 inhabitants; it was formerly the seat of the Landgraves of Hesse, now it is a Prussian town, the centre of a judicial district with its own police. As a business town it has been checked in its growth, for, only about ten miles to the south-west, on the northern bank of the Main and at the edge of a vast forest, lies the ancient, free Imperial city, Frankfort on the Main, the birthplace of Goethe and of Gutenberg, the centre of mediæval Germany, and once the scene of the election of the old Emperors;—now another Prussian town with 275,000 inhabitants, and capital of a province.

Homburg is a sort of suburb of Frankfort, and is connected with it by a railway that crosses the little river Nidda at the village of Röstelheim, where it divides into two branches, one going to Homburg and the other to Cronberg.

The railway communication between Frankfort and Homburg is regular and frequent, with trains all day and a good part of the night, and it is a common thing for the people of Frankfort to make excursions to the

Taunus and its baths, where in summer a varied cosmopolitan life is to be seen; for Homburg at present can boast of a contingent of visitors that approaches twelve thousand.

But it is not only by rail that people visit Homburg: broad, tree-lined highroads lead to all points of the compass, and in summer-time motor-cars rush across the valley between Frankfort and Homburg, between Homburg and Cronberg and up towards the hill-tops with their ruined castles, where birds of prey have built their nests.

Homburg itself is an old town,—it lies picturesquely about the Landgraves' castle; a genuine Rhenish town with a market-place and narrow streets, paved with cobble-stones, over which cart-wheels slip and creak with a grating of their breaks, and where trees overhang the streets and meet across the narrow lanes. The old town-hall spreads its dignified length in the Rathhausgasse, in the northern quarter, from whence an avenue leads out to the Saalburg and its Roman remains.

But the southern quarter is an entirely modern town, before which the older Homburg withdraws modestly into the background. Its centre is the Curhaus, where formerly the celebrated German gambling tables were to be found: a "hell" where English guineas competed with Austrian florins and French napoleons, but where now the roulette stands still and more innocent amusements are provided to

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render their stay in this fashionable watering-place pleasant and healthful to the visitors.

A fashionable watering-place—that is just what Homburg is, and a tale of Homburg, and of a single episode of its cosmopolitan life is best introduced in the instructive and tempting style of a hotel-prospectus, with the well-worn expressions and the tone that calls up memories in those who have ever stood in the veranda of a Curhaus and watched the varied life of a German spa.

It was in July, 1898. The Homburg season was at its height. All the great hotels, starred in Baedeker—Ritter's Park Hotel, the Victoria, the Augusta—were full to the attics, and in the more modest private hotels dwelt economical North Germans who ventured in the midst of this wine-growing country, to drink beer—in places where Baedeker, the national authority, announces: "*Gutes Bier zu haben.*" The terrace and garden of the Curhaus were full of life, the military band was playing and a stream of visitors flowed idly along the paths towards the beautiful, shady park, which stretches on the north to Horstwald under the spurs of the Taunus.

Homburg Park is the pride of the town; the earlier English visitors have transformed the German enclosure to an English park with broad carriage-drives and promenades and with dozens of tennis-courts, where you may see the cream of English society, clad in flannel, giving the lie to the "spleen" which is supposed to have brought it to Homburg, by the zeal and

persistence with which it drives balls over nets to the sharp, repeated cries of "Fifteen, forty; game and set."

It is a little piece of British soil transferred to the shelter of the Taunus, an English colony where lords and ladies, together with untitled mortals, behave as though they were at home, with that tacit refusal to recognise that they are strangers in the land, which is so irritating to the native. The native, however, consoles himself for this "superciliousness" by charging extra for everything; but the visitors pay without a murmur, since they would doubtless be spending more money in their own country.

This was in the days when royalty paid yearly visits to Homburg; and, if Homburg was good enough for royalty, then it was certainly tolerable for all who had claims to be "smart"—though no doubt one would have been more comfortable at home.

It was about five o'clock in the afternoon. A party of tennis-players had just finished their set on what was called the Prince's Ground, close to the cross-ways, in the middle of the Park. A couple of balls were missing, and the native youths who fielded balls for the Englishmen and received a princely wage for the slanging they did not understand, were set to work to rummage a thicket of old rhododendrons, covered with a mass of deep red blossoms.

The tennis-players were just leaving the ground when one of the boys came running towards them with every sign of terror on his young face. "My-

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lord, mylord—*gemordet, todt*—Lord Faringdon!" he cried at some yards' distance, and the astonished Englishmen could not make out a word of it.

They followed the boy and hastily broke a passage into the middle of the rhododendron bush, where they were stopped by a sight that gripped even their iron nerves.

Before them on the ground, with sightless eyes, lay their friend and fellow-countryman, young Cecil Laking, seventh Baron Faringdon, owner of Rigsby Abbey and other handsome properties, dead.

"Dead!" ejaculated little Sir Alfred Weston, following up the simple statement by a powerful oath; and Colonel Wingfield of the Sixth Lancers mechanically echoed his very words. Then they sent the boy for the police and stood in silence by the body of the man they had known.

Five o'clock struck; the band stopped playing. The news of the murder spread like wildfire through the Park and town; the police arrived, and round the rhododendrons stood the pick of the English visitors in solemn silence—ladies among them, unable to resist the sensation and its thrill—awaiting in shuddering suspense the moment when all that was left of Lord Faringdon should be borne past them on a bier.

The police made a cordon round the scene of the crime, and the senior functionary present, Police-inspector Martin Schaltz, made a rough diagram of the place and its immediate surroundings.

The shrubbery lay, as we have said, in the middle

of the Park, where two roads crossed, and only a few yards from one of them. The body had obviously been flung into the bushes, and by its weight it had forced the branches down until it had slipped beneath them, where it lay overshadowed and hidden from view, in spite of all the movement of people in the Park. The actual murder could not have been committed in the shrubbery; the ground there bore no trace of footprints and only those boughs immediately over the spot where the body lay were bent or broken.

The road was hard and firm, and on the grass around the rhododendron bushes no marks which might indicate a struggle were to be seen. The shrubbery stood quite by itself, surrounded by open lawns, and the two roads which crossed each other close by were neither of them bordered by bushes. No summer-house or arbour stood near the place, and the nearest building was a little cottage, some hundred yards away, to which the corpse was carried by direction of the police.

This cottage stood empty; its inmates, however, had only moved that same day; they were an Italian banker and his wife, who had been spending a couple of months at Homburg. The little cottage lay surrounded by thick shrubs, and it was scarcely probable that anyone in the cottage could have seen what must have taken place in the darkness of night. No other house lay in the immediate neighbourhood of the scene of the crime, and the drive leading past it was the main road between the Curhaus and the northern

gate of the Park, where many villas and cottages stood.

Policemen were set to guard the corpse, and the inspector went at once to his immediate superior, the police-president, to make his report and receive his orders. The wind blew across the Park, and the crowd dispersed, while the news flowed like a tide over the town. It was everywhere the same talk, the same thought, the riddle whose solution was the task of the future: the riddle of Cecil Laking, seventh Baron Faringdon and his sudden death in the Curhaus Park of Homburg.

That was the talk of hotels, taverns and cafés, the subject that set all the telegraphic machines clicking and all the journalists of the place writing till the ink spluttered from their pens and the copy was taken wet to the press, which was stopped in order to be fed with new matter, with something that all would read, that all would see and hear about.

With equal rapidity, but less publicity, other wheels were set in motion, the whole of that vast machinery that comes into play when the law has been broken, and that stretches out its tentacles to seize the person or persons who are to answer for the dead.

A few minutes earlier there were very few people in Homburg who knew Lord Faringdon's name; now it was on all lips, and he and his fate were the subject of every word that was spoken that afternoon by the good people of Homburg vor der Höhe.

CHAPTER TWO

FRITZ STERNER, Doctor of Law, had been appointed in March, 1898, magistrate of the district, with residence in Homburg vor der Höhe. Sterner was a Holsteiner; his father had been professor of jurisprudence at the University of Kiel. After the Peace of 1864, when Denmark ceded Holstein to Prussia, he had removed to Kiel, with his wife and two children, of whom the son, Fritz, was born at Marburg in 1862.

Fritz Sterner became a student, studied at Bonn and at Kiel, afterwards at Berlin, and took his degrees with honours. His practical training he secured at the criminal bar of Hamburg, and after having drawn attention to himself by an excellent treatise on preliminary inquiry in criminal cases, he was appointed, as we have said, district magistrate at Homburg vor der Höhe. His father had died a widower at the beginning of the eighties, and his sister had married a young doctor of Kiel, who, after having distinguished himself as a specialist in diseases of the chest, obtained a responsible but well-paid post at the Dettweiler Hospital for Consumption, at Falkenstein in the Taunus.

Fritz was unmarried—destined to permanent celibacy, said his sister jokingly; betrothed from his cradle to Madame Justice. An old housekeeper, Madame Schultz, a native of Holstein, had managed his household for some years, but on moving to Homburg it so happened that he had just found the old woman out in a series of wholesale peculations, and to his great disgust had to make a change of servants for the first time in his life.

He was not at all satisfied with the change. His present housekeeper had been obtained for him by his sister from Cronberg; he was not yet used to her and constantly missed Madame Schultz, he said. But Madame Schultz positively refused to come south, he continued; for he did not want to speak of his painful discovery.

What annoyed him most of all was the thought that somewhere or other there was living a woman, who, through her own fault, had become his enemy, whose enmity was perhaps for that very reason even bitterer than if an act of his had caused it;—a woman who from many years' association knew much that he wished forgotten and done with. But there was no helping it, and Sterner consoled himself with the thought that he had as few enemies as he had friends, and that the world would continue to roll on its course without anyone ever troubling about matters that concerned him personally.

Sterner lived in an elegant little bachelor apartment in the principal street, a few steps from the Curhaus,

quite central in summer, comfortably sheltered in winter. He lived a rather retired life among his books, mixed with few people and seldom visited the Curhaus. Yet he had no objection to taking part in the many-sided life of the highly fashionable watering-place when chance brought an old friend from Hamburg or Berlin to Homburg.

On the evening of the seventh of July, 1898, the post brought him a letter from an old friend of his, Baron von Sturm, a judge at Aurich, who with his young wife was intending to pass a couple of weeks at Homburg. Sterner was not exactly glad to get this piece of news; he happened to be in the thick of a new work on evidence in criminal cases and he foresaw that Sturm's visit would take up a good deal of his time. But, after all, it was the sort of thing that life brings with it; a man who wants to make his way in the world cannot shut himself up from his fellow-men. And Sterner was one of those who want to make their way; he was ambitious, and he meant to succeed. He had no fortune, and his undeniable ability was the only thing he had to count upon for his future.

But that was not so very little. Fritz Sterner was a sparely built man of middle height, with dark, very keen eyes, rather short-sighted, so that he wore gold-rimmed glasses, tough and persevering, a keen gymnast in his youth and from his childhood an enthusiastic sailor. The sea was indeed the only thing he missed at Homburg, but he missed it badly. Sturm and he were old yachting friends; at Hamburg they

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had shared the ownership of a splendid cutter, the *Alert*. Now Sturm was the sole owner, and the boat lay idle at Wilhelmshafen. Sterner tried to console himself with motoring, a sport which he followed with the greatest zeal; he claimed that it gave him training in promptness and presence of mind—the most valuable qualities an examining magistrate could have.

Fritz Sterner had dined and was enjoying his siesta before going back to his work.

There was a ring at the bell. The housekeeper came in with an extra edition of the *Homburger Lokalanzeiger*, the local newspaper.

Sterner sat up in the armchair in which he was dozing over a cigar and stretched out a hand for the paper: "Any news?"

His housekeeper was very short of breath: "A terrible murder in the Park, sir! The rich Englishman, Lord Faringdon, has been found murdered in a bush behind the tennis-grounds!"

The magistrate gave a start; he took the paper from his housekeeper and read:

HORRIBLE MURDER

A RICH ENGLISH LORD MURDERED IN

THE PARK

SUICIDE IMPOSSIBLE

CLUE TO THE MURDERER

THE POLICE ACTIVE

A crime of a frightful nature has been committed here to-day, or rather last night, in the Curhaus Park. The well-known and enormously wealthy Englishman, Lord Faringdon, has been found murdered in the clump of rhododendrons behind the Prince's tennis-ground by the Promenade. The discovery was made by one of the boys employed to pick up balls on this ground, who had gone into the rhododendrons to look for a lost ball belonging to the Duke of Essex, and his horror may be imagined when he came upon the body of Lord Faringdon, whom he knew to be a frequent partner of the Duke's. The body lay with an incised wound in the back, made by a knife or dagger, striking downwards between the shoulder-blades to the heart. Death must have been instantaneous. A slight, reddish froth between the clenched teeth of the dead man and a trifling hemorrhage from the wound itself were the only outward indications to be noticed. Lord Faringdon was dressed in evening dress and a light overcoat, stained with blood. His pocketbook was found in his breast-pocket, containing a considerable sum in notes, and his costly jewelled watch and a purse with gold in it were likewise untouched. On account of the nature of the wound, suicide is out of the question, and motives of robbery are equally excluded. The strangest rumours are in the air, but in deference to the prominent names that are mentioned, we cannot impart any of these to our readers.

The body was found at five o'clock this evening. Police Inspector Martin Schaltz arrived at once on the spot to make a report; the boys, of course, knew nothing. There appears, nevertheless, to be a clue, which, it is thought, will assist the police: a little medallion was found on the ground beside the body,

and we are in a position to say that this discovery will lead to inquiries and revelations which will provide our readers with more excitement than any detective story could offer. To-day we mention no names, but our able police reporter will to-morrow be able to give certain information which will arouse a great sensation.

The *fête* at the Curhaus this evening will be abandoned. Great indignation reigns among the visitors. The investigation will be placed in the hands of our new police magistrate, Dr. Fritz Sterner, who has achieved great fame in the scientific world by his important work on methods of inquiry in criminal cases. It will now be seen whether the old saying about theory and practice holds good. We wish all success to the energetic and, in spite of the shortness of his sojourn among us, extremely popular young judge.

Sterner read himself calm, put the paper aside and got up.

The housekeeper stood behind him with open mouth: "Isn't it *frightful*, sir! And now you will have to——"

"I shall," answered Sterner with a slight smile.

"But *isn't* it awful?" insisted the woman.

The magistrate shrugged his shoulders: "All in the day's work, Madame Kunze."

The housekeeper looked at her master with superstitious terror, then turned slowly and shuffled off.

"Madame Kunze," the magistrate called after her; "just one word before you go. I won't have any

gossiping about this with the neighbours. Keep your mouth shut and don't let anyone come prying about the house. Understand?"

"Oh, mercy!" Madame Kunze trudged out.

There was a ring at the door and Police Inspector Martin Schaltz presented himself.

Sterner nodded.

Schaltz halted and stood stiffly just inside the door; the man had a certain military bearing that often irritated Sterner. Sterner thought of himself more as a man of science than as an official. His cases appeared to him more in the light of scientific material, laboratory work, than of executive administration. Schaltz's stolid orderly-room manners were not to his taste, but the fellow was useful. Originally a non-commissioned officer from Brandenburg, he had entered the police in Berlin and had distinguished himself during his service at the Moabit, especially in pocket-picking cases. As the Curhaus and gambling-room at Homburg were a favourite hunting-ground of pick-pockets, he had been sent there, and had acquired a phenomenal reputation. He had served thirty-three years, in a quiet, steady, military fashion; he had now reached the age of sixty and began to talk about retiring. Sterner himself on his appointment had asked him to stay on; he was anxious to have an old and experienced assistant at his side. But afterwards he had regretted it; Schaltz was, as we have said, in spite of his sixty years, too much of the sergeant, too little of the scientific policeman—

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there was too much of the Prussian stiffness about him, though he was absolutely to be depended upon. This standing at attention was a nuisance to Sterner; he hated all this clockwork formality, saluting and right-about-turn. He would rather have had a Rheinlander or a Würtemberger. But the man was there now.

Schaltz remained standing by the door, heels together, fingers touching the seam of the trousers, with his white moustache sticking out like bristles over his thin lips, and his short gray hair brushed back from his weather-beaten forehead.

Sterner nodded: "Come in, Schaltz. I know about it already."

Schaltz looked askance at the paper; those confounded pressmen were his mortal enemies, he hated journalists with all his honest, well-disciplined, Prussian policeman's soul.

Sterner smiled: "This time, thank goodness, they had to be brief. Of course they don't know anything, these scribblers, do they?"

Schaltz shook his head.

"Do *you* know anything, Schaltz?"

"Not much, sir. The police president asked me to go to you without delay. The body has been examined, and the doctor's report will be presented tomorrow. The preliminary examination can be held the first thing in the morning."

"Are there any arrests?"

"No."

"Do you suspect anybody?"

"No."

"Whom have you examined?"

"Lord Faringdon's valet. He doesn't speak German, so I had some use for my English."

"You know English?"

"Yes, sir."

A ray of self-esteem spread over the policeman's face.

"H'm," was all Sterner said. "Any more?"

"The hotel staff." Schaltz was a little disappointed: he could not quite make out his new superior, but he never argued.

"Did *they* know anything?"

"Nothing."

"Was not Lord Faringdon missed last night or this morning?"

"No. His valet believed he had gone to the opera in Frankfort—as he sometimes did—and had stayed there for the night."

"In evening dress?"

"He was a young man, sir."

"At what time did he leave the hotel yesterday?"

"Six o'clock. He dined with Herr Saarbrücken, the wine merchant, of Frankfort, but left him directly after dinner."

"Where did they dine?"

"At the Curhaus. Lord Faringdon took the train to Frankfort."

"And Saarbrücken?"

"Stayed at home."

"Have you examined Saarbrücken?"

"Yes, sir. He knows nothing."

"Tell me, was not Lord Faringdon very intimate with this Saarbrücken? What sort of man is he?"

"He is well spoken of. You know him, sir, don't you?"

"Yes, as one knows everybody in a hole like this. His wife is a pretty woman?"

"Very pretty; she passes for the greatest beauty at the Curhaus." Schaltz melted a little; the old policeman had a weakness for pretty women. It must be added that this was his only weakness.

"H'm," Sterner pondered. "Have you examined Frau Saarbrücken?"

"No, sir. She only came back to-day from Frankfurt, where she has been spending a few days."

"Why didn't you?"

"Herr Saarbrücken said she was in great distress; she had an attack of nerves on hearing of the murder and they had had to put her to bed."

"H'm." Sterner looked up. "And this thing they write about in the paper?" He took up the paper and ran through the article on the murder. "A medallion. Is it true about that?"

"Yes, there was a little medallion lying by the body."

"Any inscription?"

"No, it was a simple gold locket with a lock of very fair hair and an L in gold on one side."

"What is Frau Saarbrücken's Christian name?"

"I don't know, sir."

"Then you ought to know it, Schaltz. Find out for me at once. You can look it up in the list of visitors; but do it discreetly. And then come back here at once."

Schaltz turned to go.

"One moment," said the magistrate, and Schaltz turned right-about again.

"Was there any house in the neighbourhood of the place where you found the body?"

"A little cottage," said Schaltz; "until to-day it was inhabited by an Italian banker and his wife. But they left this morning."

"Oho!" said the magistrate. "What was the man's name?"

"Delphini," answered Schaltz—and added: "But there is no suspicion against them. Their departure was arranged a long time ago; they were quiet, respectable people, and went about very little. Of course I obtained information about them at once and heard only good of them. They were man and wife, they lived very happily together, and as far as I can hear they did not know the deceased. But the deceased had plenty of acquaintances, and not all of them of the very best sort."

Sterner nodded. Of course that must be looked into as well. Will you send down a man to find out who has been serving at that house, and see that the person concerned is summoned to attend the examina-

tion to-morrow morning. You must also be careful that everybody is summoned to appear who may know anything about these persons . . . but, as I was saying, find out for me first of all what Mrs. Saarbrücken's Christian name is. You ought to have enquired about that. Now go."

Schaltz retired. He admitted that he deserved the wiggling. At the outset he had not much confidence in the theoretical Doctor, but this was a practical matter. Though, to be sure, rumour said not a word of the handsome lady and the lord. His name was generally heard in connection with those of an Italian marchioness and of a singer at the opera in Frankfurt.

Schaltz came back with the information. Frau Saarbrücken's name was Elizabeth; and this seemed to put Schaltz in a better humour.

Sterner hummed to himself: "Elizabeth — E. Elizabeth — Lise — Lieschen — Lizzy. What does her husband call her?"

"I don't know, sir."

Sterner got up. "Look here, Schaltz, when I came here you told me you were thinking of retiring. You have had a long service and have earned your pension. I wished to keep you, because you are very capable and well acquainted with things here. Your colleagues are for the most part blockheads, as I saw at once. Now, this case is a difficult one, or rather, it *may* be difficult. If you stick to your wish to retire, I'll write this evening to the president of the court at

Hamburg for a man, or perhaps rather to the Moabit. You can do as you like."

Schaltz flushed and his voice trembled a little:

"Dr. Sterner, I have not deserved this."

"Very well, then—you wish to stay?"

Schaltz drew himself up, and now his voice was firm again; he answered briefly, "Yes."

"Very well. Then you will instantly arrest Herr Saarbrücken, and summon his wife to appear for examination to-morrow morning at ten o'clock at the Town Hall."

"Wha-at!"

"Didn't you hear what I said?"

"But, Dr. Sterner!"

"I asked you, Schaltz, whether you wished to serve in this case. You answered yes. I ask you nothing more. This is an *order*. You will go, accompanied by two of your colleagues, to the hotel, and without attracting more attention than necessary you will arrest on my responsibility the merchant Helmuth Saarbrücken. Do you understand?"

"Yes, sir." The floor shook as Schaltz struck his heels together.

Sterner frowned. "I have already pointed out to you, Schaltz, that I am not an officer. My work has made me a little nervous; this striking the heels together annoys me. You understood the order, didn't you?"

"Yes, sir." The muscles of the policeman's legs gave a quiver.

Then he went.

Fritz Sterner lit a very strong cigar and threw himself back in his armchair.

Dr. Sterner's strong point as a magistrate lay in his habit of instant action: no sooner had he formed a resolution than he put it in practice. Here was a case that had already attracted the greatest attention, and that would be a topic of conversation all over Europe in the immediate future. Sterner knew very well that the man who was now pointed out in connection with the case was one whom perhaps no one else suspected.

He knew the Curhaus Park well; he could see in his mind's eye the tennis-ground and the shrubbery by the cross-roads. He knew that the road running past the shrubbery was a public thoroughfare, the most frequented in the Park. He knew, too, the cottage to which the body had been carried. Its inmates he did not know; he had given a start when Schaltz told him that they had left, and he now made a note of the name Delphini on a page of his pocket-book.

Under ordinary circumstances he would have summoned this man to appear at the examination, but he hesitated about making use of the telegraph in this connection. And his thoughts returned to the first clue, to the order he had given to Police Inspector Schaltz.

The locket and the initial on its case.

Of this matter Dr. Sterner knew more than any other man in Homburg. He got up and walked backwards and forwards in his room.

There were hard days coming, but the plan he had laid was going to be carried through; and here was something more than a mere scientific experiment: here human destinies were at stake.

The letter to Baron von Sturm was not written that evening.

CHAPTER THREE

THE firm of Fürste and Wienecker of Frankfurt-on-the-Main, had changed hands in 1896. The old wine-stores with their great vaulted cellars on the quay by the Main had been handed over in that year to the young Hamburg merchant Helmuth Saarbrücken. Saarbrücken was the son of an importer of Hamburg, thirty-six years old, well known in his native town as a prominent yachtsman. He was owner of the Cup-defender *Germania*, which had competed at Cowes and wrested prizes from the English. As a man of business he had less of a reputation; his father, who preferred to leave the old established Hamburg house to an elder, steadier son, had bought the wine business at Frankfurt in order to get his son Helmuth away from the sea and from the sport of yachting, which threatened to be his financial ruin.

Then came his marriage with that lady! Though Heaven knows there was nothing against Fräulein Gross, yet it must be confessed that precious little was known about her at all. She was exceedingly beautiful, lived with her mother at Altona and had spent a couple of years in England and a year in Switzerland.

Her father was said to have been captain of a steamer that had been lost in the China seas; her mother was supposed to have been a governess somewhere in Sussex or Kent. In short, everything about these people was "supposed." Fräulein Elizabeth Gross lived, as we have said, with her mother in a villa at Altona by the path along the bank of the Elbe, where the *Germania* lay at her moorings; and one fine day Helmuth informed his father that he was engaged. The old man was not overjoyed, but—it was no use crying over spilled milk, and there was nothing to be made out of *that* son. Saarbrücken's children had always been spoiled. So the wedding took place at Hamburg in May, 1896, with all appropriate pomp, and the young couple went on a tour in the South. The Frankfort business was bought and the firm of Fürste and Wie-necker changed hands.

To begin with, Helmuth was much in love; his wife less so. He was a strong, healthy fellow, but a little too big, a little too boisterous, too much of the skipper, and with only a small allowance of brains. Frau Saarbrücken—Lizzie she was called, as short for Elizabeth—had far more intelligence than her husband. She spoke good English and French, played, sang and painted, was lively and fond of display; in short, she had all the qualities necessary for a leader of society. But the envious gods had denied her one thing—birth. And that was a drag upon her; her husband did all he could to advance her; his position was good, he was looked upon as well off, his

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business was flourishing, and his father undoubtedly very rich.

In a word, he had claims to consideration, and he occupied a certain position, but not in the very best society. For the plutocracy is just as exclusive as the aristocracy, and Saarbrücken did not succeed in conquering the place in society he could have wished for his wife. She herself did not care so much about it, but *he* wanted it. And, what he wanted, he meant to have. In Homburg he was more successful. The aristocratic society of the place, which was mainly English, was easy-going when out of England, and the Saarbrückens were taken up in a marked way by Lord Faringdon.

Cecil Laking, seventh Baron Faringdon, was a regular visitor at Homburg. His age was twenty-seven; he was of very fair complexion, not at all handsome, but genial and pleasant in his manner and very popular at Homburg, on account of his wealth and liberality. He lived only for yachting, tennis and motoring, and had never lived for anything but sport. He spoke nothing but English, had no idea of anything under the sun, but was a perfect gentleman. He belonged to the Royal Yachting Squadron; and that is pretty nearly all there is to say about him.

He was, besides, very fond of the fair sex, to which he devoted what time he had over from yachting and other amusements. He had sailed matches with Saarbrücken, while the latter was a bachelor, and he made

violent love to his wife after he was married. Lord Faringdon himself was a bachelor. He had no near relations, and a distant branch of the Lakings lived at Roxley on dry bread, praying Heaven that the titled Cecil might one day capsize with the *Primrose* in the Channel or run his head against a rock in the Ardennes in his motor-car.

Meanwhile, Cecil laughed—he would cheat them yet, marry when the time came, have many children and secure the succession to Rigsby Abbey. But the time had not come.

Lord Faringdon, then, had been enormously rich; now he was murdered, and at Roxley the news of his death was received with consternation rather than sorrow.

At the Homburg Curhaus the tidings of Lord Faringdon's death threw everything into confusion. A *fête* that had been arranged in connection with the Duke of Essex's visit was abandoned, as the newspapers had announced; the visitors swarmed about the tables like ants in a disturbed anthill; and all the people who lived in private houses or at other hotels streamed into the Curhaus in the greatest agitation. Reporters arrived in shoals from Frankfort. Everything was in a fever of excitement.

Later in the evening the agitation subsided a little. Considered more closely, this would be a good advertisement for the place, for there was no question of robbery; it looked rather like a gallant adventure. The young lord had the reputation of a Don Juan.

There were all sorts of guessing and conjecture, but nothing was known.

Saarbrücken was said to be much upset by his friend's sudden death, and his wife had arrived post-haste from Frankfort.

For the first year after their marriage there had been a good deal of talk about the Saarbrückens and Lord Faringdon; the intimacy between the young wife and the wealthy Englishman was much commented upon, but afterwards it attracted less attention, and now it was treated as quite natural.

When Schaltz found himself in the street outside the magistrate's house, his head was buzzing like the works of a clock that had got out of order.

This was something more than a scientific problem; he knew Saarbrücken well, had made his acquaintance in connection with a trifling affair of theft, and had received a liberal gratuity, which he had accepted, because it came from a Frankforter. Schaltz took nothing from the Homburgers. He knew Frau Saarbrücken, too; she was gentle and beautiful. And now, at a word, without a shadow of suspicion, he was to arrest one of the leading visitors in the place—a well-known Frankfort merchant—because this greenhorn, this scientific doctor of jurisprudence—at least, he might have told him why!

But the locket with fair hair and an L. To be sure, the lady's name was Elizabeth, which could be shortened to Lieschen, or, in English, to Lizzie; but there were dozens of fair-haired ladies with an L. to their

name in the world. There must be something more than that.

Schaltz was in the habit of directing his superiors—as a rule they were younger than he, no doubt, but they were men who had confidence in him. This business was more than he could swallow.

Of course, the alternative was resignation, but Schaltz had done good service; he could retire with honour. Retire over a blunder, though! No, no, no!

But it must be a mistake, it must be a gigantic, thundering mistake! It was all very well for Sterner to take the responsibility, but he was a new hand, new to his work and new to the place.

The disgrace would fall on Schaltz; if the affair ended in a scandal, the magistrate would only be moved to another place, while he, Schaltz, how could he venture to show himself in the taverns, in the very streets even, here at Homburg, where the townsmen honoured him with a position of trust in the Veterans' Club, and where H.R.H. the Prince of Wales had taken notice of him, to say nothing of the princess, great and small, of the imperial house!

Schaltz was beside himself with despair. If only he had had the least little bit of information to guide him; but he had only been given an order, a confounded, idiotic, senseless order, yet an order that had to be obeyed.

He hesitated; should he turn back and go up to the magistrate and ask him, with due respect, for an explanation?

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No, Schaltz was a soldier; this scientific doctor might despise the military as much as he chose, but when it came to the point, he was none the less a Prussian, too. No.

At that moment Schaltz hated the slim man with the sharp eyes behind his gold spectacles; but the doctor was a smart man for all that; Schaltz had seen that in one or two small cases. Quick as a hawk he was.

So, then, the order had to be obeyed.

With a slow step and a heavy heart Schaltz went round to the police-station to pick up his colleagues and get to work. He was directly under the orders of the examining magistrate, so he had nothing to do with the police president; which was a bad job, for the president was an elderly, stiff-starched martinet, who did not hit it off at all with Sterner.

There was nothing for it but to obey.

CHAPTER FOUR

IT was about nine o'clock when Schaltz, accompanied by two plain-clothes policemen, presented himself at the porter's lodge of the Curhaus Hotel and asked to speak to Herr Saarbrücken. The hall-porter was startled, but there was murder in the air, so, after all, the visit was not to be wondered at. Besides, he had no idea of its real object—the two policemen kept outside the door of the hotel—and it was quite possible that the police should have a good many questions to ask Herr Saarbrücken, since he was the murdered man's best friend.

The porter betrayed no curiosity. "It's lucky you come just now, Herr Schaltz; they have ordered a carriage for the 10.15. They're leaving this evening."

Schaltz gave a jump: "Leaving? Why, Frau Saarbrücken is ill!"

"The lady is better; Herr Saarbrücken wants to leave the hotel, has paid his bill, and leaves, as I told you, by the 10.15. But there's plenty of time yet for an interview. Shall I send up your name, Herr Schaltz?"

Schaltz thought for a moment. What if the magis-

trate were right, after all! Leaving now! Paid his bill!

He turned to the porter: "Will you ask Herr Saarbrücken to be so kind as to come down here; we can go into the office. I'll wait here meanwhile. Tell him I particularly want to speak to him a moment."

"With pleasure." The porter was already half-way up the stairs.

Saarbrücken came down at once. He was dressed for travelling, and greeted the police officer with a friendly smile. "I am quite at your service, Herr Schaltz. What is it you want?"

Schaltz made a slight bow. "The police president would like to see you, sir, this evening, about this affair of the murder that we were talking about this afternoon."

Saarbrücken looked annoyed.

"Won't some other time do? I must say this is most inconvenient. I'm leaving this evening. My wife is not at all well. We are busy packing." He took out his watch. "Our train goes at 10.15. Besides, I know nothing about it. It's really most inconvenient."

Schaltz shrugged his shoulders. "The police president requested me to ask you to be so good as to step over; I have to obey orders, you know, sir."

"Of course you have, Herr Schaltz, but to tell you the truth, I don't feel at all inclined to alter my arrangements to suit Herr von Bitter, especially as he has shown himself wanting in civility the few times I have met him. On second thoughts, Herr Schaltz, I

say, No. If Herr von Bitter wants to see me, let him come here. One doesn't drag people out at nine o'clock in the evening. Besides, I am only going as far as Frankfort; my house is well known, and when the court requires me I shall appear."

Schaltz took it very quietly. "That's not the right way, Herr Saarbrücken. You know it's the business of the police to look after people's safety. In a matter of this sort, when it is of the utmost importance that everything should be cleared up, do you think it's right of any citizen, much less so respected a gentleman as yourself, Herr Saarbrücken, to put difficulties in the way of the police?"

Saarbrücken smiled good-naturedly. "Perhaps you are right, Herr Schaltz. Be it so, then. Just wait a moment while I go and tell my wife."

Schaltz thought a moment. "Better not, Herr Saarbrücken."

Saarbrücken was vexed. "Look here, my good Schaltz, I shall soon lose patience; besides, I don't intend to go out without my hat."

Schaltz turned to the porter: "Will you go up and get Herr Saarbrücken's hat?"

Saarbrücken looked foolish.

The porter ran upstairs. Saarbrücken turned to Schaltz.

"One would almost think you wanted to arrest me?"

Schaltz gave a forced smile.

Saarbrücken's anger was rising; he took a step

towards the stairs, then turned round to the policeman and said shortly: "Give my compliments to Herr von Bitter and tell him that if he wants to see me, he can call at my address." He took a couple of steps to the stairs.

Schaltz laid a hand on his arm and said seriously: "Herr Saarbrücken, you are a sensible man; you don't want a scandal. You *have* to come with me."

The blood rushed to the young man's head, so that the veins stood out on his forehead. "Does that mean that you arrest me, Herr Schaltz?"

Schaltz shrugged his shoulders.

"Curse you, answer me, man! Don't stand there looking like a fool! Have you been sent to arrest me, or not?"

The police spirit was boiling within Schaltz, but he made an effort and controlled himself. As ill-luck would have it, his two companions came in sight in the doorway at the same instant, attracted by Saarbrücken's noisy outburst.

The hall-porter came down with the hat and gave it to the wine merchant with a singularly startled look. A few more people had come on the scene.

It was a very uncomfortable situation. Schaltz whispered: "Come now, Herr Saarbrücken." He went close up to him; the two policemen misunderstood his movement and came in quickly.

Saarbrücken stepped back, looking as if his head would burst. With a mighty tug he tore at the banisters, until a great piece came off in his hand.

"The first man that comes near me I'll knock down!" His powerful voice rang through the hall. The porter was beside himself with confusion. The policemen sprang forward, there was a great noise and the piece of banister was smashed to bits against the steps. No one was hit. The three men threw themselves upon Saarbrücken like hounds attacking a deer. He was extraordinarily strong, over six feet high and broad in proportion. He weighed at least two hundred pounds. It was a hard fight, but their numbers were too many for him. The handcuffs snapped on his wrists and he was dragged down to the carriage by the two policemen, while Schaltz stood at the top of the steps, puffing like a steam-engine.

Saarbrücken was completely beside himself with rage, and it was evident that he was not responsible for what he was doing; his behaviour was like that of a wild beast. But now he was laid by the heels and the cab drove away from the hotel at a sharp trot.

A great crowd had assembled. The excitement and irritation were enormous. Saarbrücken was the most popular man in Homburg, and the foreigners and South Germans were loud in their indignation over the brutality of the police. People came in from the street, and the porter had all he could do to keep them back, while Schaltz stood panting in the middle of the threatening mob.

This was a pretty beginning—and now he had to follow it up by troubling the wife! He resolutely

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broke through the crowd and went upstairs. The porter kept the people back. Schaltz knew the number of the room; it was 66, on the second floor.

He almost flew upstairs. Arrived at the door, he paused a second, and then knocked. A clear voice answered, "Come in!" He opened the door and entered.

Frau Saarbrücken was sitting on the sofa, ready to start, with hat and cloak on. She was a little pale, but her face was very calm and had almost a determined look.

Schaltz bowed.

"You must excuse me, madame, but Dr. Sterner, the magistrate, has ordered me to arrest Herr Saarbrücken, and I have done so. The magistrate has his reasons; I am only a subordinate official. Herr Saarbrücken was very angry; he is no doubt very excitable."

The lady nodded formally, but said nothing.

"The scandal might have been avoided, and it was not my fault. There was a scene; Herr Saarbrücken has only himself to thank for what happened. Dr. Sterner has also requested me to ask you, madame, to appear to-morrow at ten o'clock."

"At Dr. Sterner's?" She got up promptly.

"No," said Schaltz; "at the police-station."

Frau Saarbrücken turned a shade paler, but not a muscle of her face moved.

"In other words, Mr. Police—director—or whatever your title may be, I am to be arrested too?"

Schaltz eagerly protested.

"No, madame, that is not our intention at all; but the magistrate is to hold an examination, and everyone who may be thought to know anything about the case is obliged by law to appear."

"Can't it be avoided? I assure you, I am just as innocent as my husband. I haven't the least idea. I am just as much astonished about it as anyone else. Lord Faringdon was a friend of ours. But I assure you I haven't the least idea of how this crime was committed."

Schaltz looked at her narrowly. Her fine oval face, which before had been pale, was now overspread by a faint blush, and her fair hair lay like a wreath under the coquettish brown felt hat with two pointed feathers. And from that fine transparent face shone two large blue eyes, of a strange grayish tinge, with a depth like that of the sea.

Schaltz felt exceedingly uncomfortable.

The lady thought for a moment. Then she made a gesture of the hand. "Take a seat, Herr Commissary, one moment. There can't be any hurry!" She smiled faintly. "I'm a little overcome: first this terrible event, the death of my best friend. Then this utterly incomprehensible arrest of my husband, and now— Well, don't you think it is too much for a frail woman? Let me talk to you."

It struck Schaltz that the description did not suit her very accurately.

She went on: "Besides, you will understand that

the prospect of being mixed up in an affair of this kind is anything but attractive for a lady like myself. I shall not run away. A few words to you will clearly prove my innocence; I am quite at a loss to guess what I am accused of. I will do whatever you ask, but I beg you to spare me the police-court."

Schaltz became uneasy. On the one hand, it was hard to trouble a lady at this time of day—more than hard; but then, on the other hand, there was the way she took it; and this was indeed more than suspicious. She was altogether prepared for it!

Suppose Sterner was right after all? He stole a glance at her. Devilish pretty she was!

"Madame," he said, "I am sorry to say it is impossible to grant your request. I have my orders, and I am obliged to follow them."

"Is the magistrate on the telephone, Herr Commissary?"

"I beg your pardon?"

"I asked if Dr. Sterner was on the telephone?"

Schaltz felt as if he had fallen out of the skies: here was a witness who wanted to telephone to the magistrate at nine o'clock in the evening to talk about her examination! Well, why not? It is an age of progress: there was the telephone. Schaltz went up to the table where the telephone lay, and rang up the exchange. He was put in communication with Sterner.

"It is Schaltz, sir."

Sterner's voice showed much annoyance: "What do you want?"

"Saarbrücken is arrested; he resisted and unfortunately it was impossible to avoid a fuss. He behaved exactly like a madman."

"Then, of course, you went about it like a fool!"

Schaltz gave a start. The voice went on, bitterly sarcastic: "Did you ring me up at this time of night to tell me that?"

"No, sir. Frau Saarbrücken has asked to speak to you, sir."

No answer.

Schaltz repeated his words.

There was a short pause, and then the voice came sharp and curt:

"I don't know the lady, and I'm not in the habit of talking to witnesses through the telephone."

Schaltz shook his head, but Frau Saarbrücken stepped quickly forward and seized the telephone.

"I would not for anything be mixed up in this affair. I shall have to go over to mother."

Schaltz stood a yard or so behind her—he heard a strange buzzing in the instrument, but could not make out what Sterner said—and suddenly the telephone was rung off.

"What a boor!" thought Schaltz.

Frau Saarbrücken was red as blood, but she said nothing.

Schaltz waited politely for a moment.

Then he said: "Well, madame, I have now dis-

charged my errand, and I may take it that you will appear to-morrow?"

Frau Saarbrücken bowed her head in silence, and Schaltz took his departure. He was a gallant man, and he thought it uncommonly rude of the magistrate to ring her off like that without a reassuring word. As to the lady herself, she was very handsome, very composed, and, as Schaltz had to confess, not altogether free from suspicion. There was a locket that referred to her; well, that in itself was not a suspicious circumstance; but there was something in her attitude that stimulated his policeman's instinct, and it was really possible that that irritating and supercilious magistrate had hit the right nail on the head.

A nuisance, too, that the merchant should have raised a scene. Schaltz could actually feel that people were scowling at him as he walked down the street. It had always been his pride that he could carry out a duty of this kind in a quiet, gentlemanly way. And he had done nothing but what was right. What a fuss the man had made! That did not look like innocence—on the contrary, that was exactly how a professional criminal would behave.

But, nevertheless, the evidence they had against him was not much.

Up at the police-station Saarbrücken lay bathed in sweat on a plank-bed in a drunkard's cell. They had sent for a doctor, and he had given him an injection of morphine.

The whole town was in an uproar; Dr. Sterner's

name was execrated on all sides. The newspaper correspondents were furious with him, and while the short summer night fell upon Homburg vor der Höhe, the news of his deed flew on a thousand wires over the whole of Germany, to be set up in type and served everywhere with the morning coffee, under the headlines: "Horrible Murder.—Unprecedented Brutality of the Police!!!"

So there was added one more sensational murder case to all those that had gone before: "The Homburg Park Murder"; the first name in it was Lord Faringdon's, but in the, to all appearance, wholly fortuitous linking together of names that seemed to have nothing to do with one another, his name was soon thrust aside by others, and circumstances were indissolubly weaved together in the tissue of "the Affair."

The first name to be linked with Faringdon's was that of the man Society had called to arms as his avenger. Dr. Sterner came forward and took his place in the chain of events. He acted, and his action added two names to the series: Helmuth Saarbrücken and his young and handsome wife Lizzie.

Faringdon—Sterner—Saarbrücken, those were the names before the world in this case; and those intimately acquainted with them mentioned a fourth name, that of the advocate Isidor Rosenthal, the man who, as Saarbrücken's legal adviser, would appear in defence of the couple who were thus threatened in

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their lives or security by the avenging might of Justice.

The case was now in order; Lord Faringdon was dead, murdered, but by his corpse stood the magistrate, Fritz Sterner, and he took a grasp of the case that made it *his*,—Dr. Fritz Sterner's case; and by his first act he also made it Helmuth Saarbrücken's case and that of his wife.

The names were there, the persons were there; now the great drama could begin before the gaping multitude. Every man to his place!

FIRST PART

THE INVESTIGATION



CHAPTER ONE

ON the eighth of July, Sterner, as examining magistrate, opened the inquiry into the case against Lord Faringdon's murderer, or, as this celebrated affair was at once called, by a name it will always be known by, the public examination of Helmuth Saarbrücken, merchant of Frankfort, accused of murder.

The indignation at Homburg was immense; crowds of people swarmed about the streets; the town hall was regularly besieged, and Sterner had to make use of a private door to slip unnoticed through the crowd into the court.

Everyone took Saarbrücken's part, his release was loudly demanded. The gendarmes were ordered out, and the police president, who in his inmost heart was on the side of the people, but who, of course, had to bow to the magistrate's authority, had some thoughts of requisitioning a detachment of Bockenheim's husars to preserve order.

Meanwhile, a telegram arrived for the authorities, which, on account of the growing excitement, was at once made public and changed with a blow the mood of the populace. It came from London. Its sender

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was Sir Longland Hearne, the eminent solicitor, and its contents were as follows:

I beg to inform you that the sole heiress to the late Lord Faringdon's personal estate is Mrs. Lizzie Saarbrücken, of Frankfort. I leave London 10.15 direct to Homburg. LONGLAND HEARNE.

Dr. Fritz Sterner instantly became famous, and so violent was the reaction that a storm of cheers was raised for him from the crowd outside the town hall; not a soul in Homburg doubted now that he had hold of the right idea, but they could not imagine how he had seen so clearly from the start. The crowd dispersed by degrees and there was no need of the troops.

By the midday train Saarbrücken's lawyer arrived, Herr Isidor Rosenthal, of Frankfort, a young advocate of very high standing, who practised in the superior court.

On the initiative of the police the case was at once handed over to Sterner, who was to view the body before the prosecution took the matter in hand. According to Paragraph 161 of the Criminal Code, the magistrate could conduct only a provisional examination, after which he handed on the case to the prosecution for further investigation. Now it was the aim of Saarbrücken's lawyer to get the matter transferred as soon as possible to the criminal court at Frankfort, where he was a well-known man and where he hoped to be able to assist his client more efficiently than he could with the Homburg magis-

trate, who was quite unknown to him. However, there was a possibility that the president of the court would entrust Sterner with the chief investigation, which followed the report of the prosecution to the court; and this was the more probable as Sterner's name was well known as an authority on criminal matters and at the Ministry of Justice a high opinion was held of his capabilities. Besides which, the letter of the law permitted him to be employed, and this would be a very practical solution, since he resided on the spot.

However, unless he himself wished it, his employment in the case was doubtful; and it was Rosenthal's object to induce him to give up the task. Rosenthal had no doubt of his client's innocence, though he knew that Saarbrücken was a very hot-tempered man, and—what at present no one else knew—that he was on the brink of financial ruin. The secret of Lord Faringdon's will was also known to Rosenthal. But he was not aware that this was already publicly known in Homburg.

The lawyer found the magistrate in court, and was admitted at once. Sterner treated him very courteously and began by regretting that the accused had damaged his case by his unwarrantable behaviour to the police, which by itself would be enough to cause him serious trouble, even if it did not confirm the suspicion that rested on him with regard to the murder.

Rosenthal tried to excuse his client.

Sterner looked at him significantly, and said nothing.

It was of the first necessity to avoid offending the magistrate, and the advocate therefore asked very politely what were his reasons for taking such violent measures against Saarbrücken.

Sterner leaned back in his raised chair and played nonchalantly with his gold eye-glasses.

"I'll tell you, Herr Rosenthal. Three things: First, my personal knowledge of Herr Saarbrücken, which dates from Hamburg days and the Imperial Yacht Club, where Herr Saarbrücken did not distinguish himself particularly in the early nineties. He is known as a bully."

"But a good fellow at heart," the advocate put in.

The magistrate shrugged his shoulders. "That's a matter of taste. I never cared for him."

"Have you ever had a difference with him?" asked Rosenthal cautiously. That would at least be a reason for withdrawing the case from Sterner's hands.

Sterner saw the intention, but did not betray himself. "No," he said, "nothing of that sort. But my second reason is, that his wife inherits all Lord Faringdon's personality."

The magistrate gave him a knowing glance. "Perhaps that surprises you. On the other hand, I am surprised to hear that *you* know it."

"I am Herr Saarbrücken's legal adviser," remarked Rosenthal apologetically.

"Then perhaps you know, too, that he's a ruined man?" Sterner carelessly waved his eye-glasses.

The advocate turned crimson.

"You will probably admit that these three circumstances are in themselves pretty conclusive. If you will read the reports that the police have furnished you will perceive that, to put it mildly, things look bad for Herr Saarbrücken."

The advocate lost heart: "May I see him?" he asked in a rather low tone.

"That is not so easy at this point. As you are aware, the case has not yet gone to the prosecuting authorities; it will probably be laid before them immediately after to-day's examination. Until then I think it is best to wait."

Rosenthal was silent for a minute. Then he said slowly: "It appears to me, on account of the gravity of the charge and the peculiar circumstances of the accused, that it would nevertheless be the right course to allow him the advice of counsel from the beginning; the more so, because he seems to misunderstand his position with regard to the court. I am convinced that he will listen to *me*, in whom he has full confidence; this will make matters considerably easier for you to-day, and therefore I cannot suppose you will refuse to appoint me his counsel. The definite and final arrangements can then be left until the case comes before the examining judge of the criminal court."

Sterner did not like the advocate. Like many

magistrates, he had more confidence in himself, and he determined to refuse Rosenthal's application and refer him to the prosecution. He smoothed over his somewhat unfriendly refusal by allusion to his peculiar position as the magistrate of a court before which, by its nature, the case would not eventually be tried.

It must here be remarked that according to German law a case of murder comes before the grand jury at the assizes, in this instance, at Frankfort, upon the indictment of the public prosecutor. At present there was only question of a purely preliminary police examination, which on account of the gravity of the case was immediately put in the hands of the local magistrate, who, however, had no jurisdiction in a matter of this sort, but who, as already remarked, might be entrusted with the examination by the authority of the superior court.

Rosenthal had to make the best of the refusal, but he felt very disappointed; and as he was a man of influence and of some importance through his family connections with many of the largest bankers of Frankfort, accustomed, in short, to being accommodated and favoured by all the authorities, he promised himself that the young magistrate should come to repent his disagreeableness.

In this trial—for a trial there would be—the two chief parties, prosecutor and defender, were thus placed from the first moment in marked opposition to each other.

Sterner felt it, but he wished to have a free hand

at this stage, when it was important to arrange the case in a groove from which it could not afterwards escape.

He was on excellent terms with the Ministry of Justice, and especially with the president of the court, and was convinced that he would be left to get up the whole case for the prosecution independently.

That being so he would have the defending counsel in his power, and according to the law, would be able to forbid any communication between the accused and his counsel, except such as took place in his presence. He was determined to use this right.

Rosenthal, on his side, made up his mind to abandon any further attempt at getting into communication with his client, and confined himself to handing in a letter addressed to him, in which he offered his services in accordance with the law.

After doing which he returned to Frankfort in order to use his influence in the right place, even giving up the idea of going to see his client's wife, with whom personally he was on no very friendly footing, and on whose confidence he did not believe he could reckon.

The ante-room of the court was filled with people who were going to be examined, and Sterner desired to have a large body of evidence at his disposal before he proceeded to the examination of the two most important persons, the prisoner and his wife.

Lizzie Saarbrücken had appeared in answer to the summons. She sat quietly waiting in the crowded

ante-room, while numbers of the curious stole glances at her and exchanged whispers about her and about the sensational telegram.

In the court-room itself Sterner was working with Schaltz at the arrangement of the evidence that had already been gathered. The telegram had made a great impression on Schaltz; he had entered upon the work with reluctance; it had seemed to him that what Sterner had done was indecorous, and that he suffered from the attitude of the public. But when the telegram arrived and the magistrate's course of action won undivided approval, Schaltz rose again like a lily of the field after a storm, and he thought that the honour of the day somehow shone upon him, also.

Work was a thing Schaltz could do, and now he was going to set to, he was going to show his superior that an industrious and reliable subordinate may be of the greatest use to his chief when there was a difficult problem to be solved.

But first he must satisfy his curiosity.

X And therefore he inquired cautiously in a very respectful tone: "You won't take it amiss, sir, I hope, but as I am to do a good deal of the work for you in this case may I venture to ask whether you guessed this last night?"

Sterner looked up: "No, I didn't guess it."

Schaltz was silent.

Sterner smiled at him coolly and added: "I say I didn't guess it, Schaltz—because I knew it."

"Beg pardon?"

"I knew it; if I hadn't known it, do you think I should have had these people arrested?"

"Then you knew the murdered man personally, sir?"

"No."

"But the Saarbrücken couple, sir?"

"Slightly."

"But how then——?"

"I know Sir Longland Hearne, and I saw the will drawn up myself."

Schaltz was struck dumb.

Sterner added: "It was drawn up in May, 1896, while I was in England, studying English law under Sir Longland Hearne. As you see, Schaltz, it is simply chance, nothing more. I don't intend to take any credit for it; besides, it is only one point in the case. You will readily understand that I shall make it my starting-point. Now let us get to work."

They went through the reports. With regard to the finding of the body, the post-mortem, and so on, there was nothing fresh to note. That side of the matter was perfectly evident. With regard to Lord Faringdon, no further information had come to hand as yet; the Frankfort police had been informed by telephone and were now busy investigating his visit to that town on the evening in question.

The Saarbrücken couple were to be examined, but not till later in the day. First, all the people who had contributed to the reports, were examined.

It was made clear that Lord Faringdon had dined



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at the hotel with Saarbrücken at six o'clock on the evening before the tragedy, and that he had left by the 7.15 train for Frankfort; on the other hand, no one at the station had seen him come home again. In all probability he must have returned by the train at 12.16.

Saarbrücken had spent the evening with some acquaintances from Altona named Bechmesser, who were staying at the Hotel Kaiserin Friedrich. They had played whist, and Saarbrücken had gone home to the Curhaus Hotel at half-past ten. There was a concert until eleven o'clock, and he had been seen at the concert. Afterwards he had gone up to his room.

At 12.30 the night porter had let Herr Saarbrücken out. He was wearing a light summer overcoat and seemed to be in a hurry. This porter had come on duty at twelve o'clock.

Saarbrücken's nocturnal absence attracted much attention when the story of the telegram became known; before that no one would have attached much importance to it. The visitors to the hotel came and went at all hours of the night during the height of the season, when there were card-parties and balls daily at the different hotels and at private houses. Frau Saarbrücken had returned from her visit to Frankfort the same day as the murder was discovered.

The more Schaltz studied the different reports and statements that made up the case for the prosecution, the more uncertain he became. It really seemed as if

the examining magistrate had got hold of the right end of the stick. But it was still doubtful whether both were guilty or only one of them. Directly guilty she could not be.

The formal order for a domiciliary visit was now given, and while Sterner suspended the proceedings for an hour and took the opportunity of having lunch, Schaltz proceeded to the rooms occupied by the Saarbrückens to make the search.

Nothing of importance was found. A few letters and papers were seized and a Corsican dagger with damaskeened blade marked "Vendetta" was found in Saarbrücken's portmanteau. It was bright, and seemed to be used as a paper-knife. Otherwise nothing worth noticing was discovered. According to the magistrate's orders, the papers were not gone through by the police.

Sterner worked quietly and indefatigably, and by two o'clock he had already made sufficient progress to enable him to get a general view of the chaos of material that was before him. And this general idea of the case fell naturally into three groups:

First, everything that was connected with the scene of the murder, and the discovery of the body; and here he was obliged to begin by confining himself to the report drawn up by the police, and to the doctor's autopsy, while of course he intended later in the day to examine the localities for himself. At present it was established that Lord Faringdon, when he was discovered, was lying on his back, and that, so

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far as could be determined, he must either have been murdered on the road close by the shrubbery where he was found, or after being murdered must have been brought to the place and flung into the thick bushes.

Probability was in favour of the first of these hypotheses. It was a rapid deed that had been committed, a quick blow of a dagger—followed by a hasty movement to get the body temporarily out of the way. The murderer had taken no trouble to remove the traces of his crime; the place of concealment was not suited for that, and he must have thought that it would not be long before the body was discovered. It also appeared, from the discovery, that it had been a deliberate assassination. The wound had been given in the victim's back; this was a case of a planned attack, and it was not done with robbery for an object, for all the objects of value that the young Englishman had on him (a gold watch, ready money and jewelry) were found on the corpse. Connected with the discovery of the body was also the locket, which had first directed the magistrate's thoughts to the Saarbrücken couple. It lay on the ground by the side of the body, and close to it, but not concealed by it. There was a strong probability that the person who had placed the body in the shrubbery had dropped the locket and then in the darkness had not discovered that he had thus left behind him a clue that, on the discovery of the body, would point to him. The locket was a little one made

of thin gold and intended to be worn on a watch-chain; the split ring by which it would hang had been forced open, and that was the cause of its slipping off.

As regards the scene of the murder, there was also the possibility that the persons who had been living in the cottage, which lay only about a hundred paces from the shrubbery, would be able to give some information of what had occurred. They had left on the very day, and under ordinary circumstances this might be suspicious. The whole of this side of the case must therefore be investigated, and the servant of the foreigners, an Austrian-Italian maid of the name of Nathalie Stolzi, was waiting among the witnesses in the lobby.

From some words she had let fall in reply to the police, the magistrate had made up his mind to reserve her examination until such time as there might be a possibility of connecting her evidence with the arrest that had been effected.

The second group of facts was connected with Lord Faringdon's person, and for the moment they offered no very great body of material; but it was certain that everything at present known about the murdered lord pointed to very intimate relations between the deceased and the arrested merchant Saarbrücken, and offered such a chain of compromising circumstances against the latter that the magistrate ran no risk of not being able to justify the arrest or of lacking materials for his examination of the prisoner.

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The third group of facts consisted of information that had been collected about the prisoner personally, and this already was a respectable amount. The weight of this evidence was such as to justify the magistrate in following the course which an examining magistrate can follow when the material at his disposal allows him, namely, to form for himself a complete picture of the action which constitutes the crime, with its motives, its planning, its final execution, and then to add facts piece by piece to the picture to give it reality. This is called the method of preconceived opinion, and by this name the danger of the course is explained. At the moment when the examination of Saarbrücken was to begin, he stood as the man who was presumed to have committed the murder, as the man whose motives, plans and actions were all known, as the man who had to defend himself against an attack.

Schaltz took it for granted that Sterner would pursue this course, which is the usual, traditional method and by its onesidedness adds force to the magistrate's examination; and however much may be spoken or written against it, this method is so rooted, so closely bound up with the institution of criminal procedure that it will nearly always be the one adopted.

Sterner himself was a scientific criminalist—he had, as it happened, made preliminary examination his specialty, and in reality, conservative as he was, he had adopted this method, developed it further and defended it at the cost of all others.

Was it to be wondered at, then, that he should use it here? Was it to be wondered at if in this man's brain the picture of the crime, to clear up which was his official duty, already stood clearly defined and illuminated by all the information that had been gathered?

Now there remained the most important part of the day's work: the examination of Saarbrücken and his wife.



CHAPTER TWO

FRAU SAARBRÜCKEN'S turn came first. She had spent a restless night and was very pale.

As she was brought into court, Sterner rose and made her a respectful bow. She blushed deeply. Besides the clerk, Schaltz was present as witness; at a word from the magistrate a chair was placed for the lady.

Sterner leaned forward and addressed her in a very subdued tone. "Madame," he said, "I must first observe that the step I have taken was necessary as much for your own sake as in the interests of justice. I am obliged to put to you some questions in the course of my official duty, which I beg you will answer; and, again in my official capacity, I will draw your attention to your obligation under the law to tell the court the *whole* truth and nothing but the truth."

Frau Saarbrücken was quite confused; she bowed her head in silence.

"Your name is Elisabeth Saarbrücken. You are married to Helmuth Saarbrücken, wine merchant, of Frankfort-on-the-Main; at present you and your hus-

band are staying at the Curhaus Hotel here—is that right? ”

Frau Saarbrücken bowed again.

“ You were born on the twenty-second of April, 1872, at Kiel. Your parents were Captain John Gross and his wife, Emilie, whose maiden name was Hansen. Your father is dead, your mother is living—is that right? ”

The magistrate said all this very quickly and without making the prisoner answer in the usual way. Schaltz was startled; Sterner must have employed his time well since the evening before, when he did not even know the lady's Christian name. Well——

Frau Saarbrücken raised her head, and the magistrate concluded hastily: “ You have never been convicted or charged before? ”

The clerk's pen scratched away over the paper.

Sterner got up and walked up to the bar.

“ You know that Lord Faringdon was murdered the day before yesterday—or rather, that he was found murdered in the Park yesterday afternoon? ”

She bowed her head.

“ You know that *you* inherit his fortune? ”

She raised her head like a startled deer, quick as lightning, with a look of sudden astonishment.

“ No,” she said.

Sterner spoke solemnly: “ Think well and answer frankly and truthfully.”

“ As there is an eternal justice over us all, I know nothing about it.”

Schaltz looked at her closely—that woman was not lying!

Sterner bit his lip: "Then it is so."

Frau Saarbrücken turned her eyes upon him like a child in distress, looking up at him beseechingly. He screwed up his eyes behind his glasses.

The examination proceeded. It was mostly occupied with indifferent things; Schaltz discovered that the Saarbrückens were a "semi-detached" couple, and it also became clear that whatever might have happened to Lord Faringdon, this woman was as innocent as a child in the matter. Her visit to Frankfort was scarcely referred to.

Schaltz kept his eye on the magistrate. He spoke very low, almost with deference, and dictated the words to the clerk almost before she had said them.

"Only one thing more," he said. "When did you see the murdered lord for the last time?"

"It will be four days ago to-day."

"Was it accidentally that you returned to the hotel yesterday, after having given up your room there?"

"No," was the answer.

"Did you know, when you came, that Lord Faringdon had been murdered?"

"No—I came to speak to him."

"Who told you that he was dead?"

"My husband."

Sterner then addressed a series of questions to the

witness; he asked her, when Saarbrücken had told her of the murder of Lord Faringdon, at what time she had tried to see Lord Faringdon, what reason had been given for his absence, all apparently unimportant questions, which Frau Saarbrücken answered in a low voice, but without hesitation.

Sterner made a pause; then he went on, rather embarrassed as it seemed to Schaltz: "You will not be accused of any complicity in this murder. There is nothing to implicate you. I do not hesitate to let you know this at the outset, to reassure you, if for nothing else."

She raised her eyes. "I am innocent, and that is enough for me."

"Of course, yes"—Sterner stammered—"I only tell you this because my official position renders it necessary for me to inform you that you are not compelled to give evidence *against* your husband. Indeed, I am not even justified in adding your evidence to the documents which will serve as the basis of the prosecution. I have now found out enough to convince me that the court has no need of your statements to decide what action it will take with you. You are free. On the other hand, you are quite at liberty, should you wish it, to bring forward anything you may know, which you think will avert suspicion from your husband. You were not in Homburg on the day when the murder was committed. If you know anything that would be decisive in averting suspicion from him, then I beg you to speak. It is

just as much my duty to take care that an innocent man is not brought into trouble, as it is to find the guilty person and deliver him into the hands of justice."

"My husband is innocent," she said.

Sterner shrugged his shoulders.

"What I was thinking of was some definite statement as to what has occurred, and I do not mean only circumstances that refer to no one but your husband. The murdered man was your friend—very well, is there anything within your knowledge which might open up new paths for our investigation? Did you know of any people who were his enemies? You must anyhow have talked with your husband about how this murder was committed. You must at least have made some guesses."

She shook her head.

"Well," said Sterner, "in that case, there is nothing more."

The examination was concluded. The magistrate handed the lady her evidence to sign; Schaltz could see how her hand shook as she wrote her name. Then the magistrate gave her to understand in a low, very kindly—almost more than kindly tone, that she was free.

She remained standing, irresolute.

Sterner made a sign to Schaltz and the clerk. "Gentlemen," he said, "the examination is adjourned. Out of consideration for Frau Saarbrücken I should like to say a few words to her in private, to

alleviate the difficult position my official actions have given rise to."

Schaltz bowed and withdrew with the clerk.

Sterner was left alone with Lizzie Saarbrücken.

She stood at the bar with downcast eyes, and a deep blush spread over her pale face.

Sterner had risen from his chair and had gone forward to the bar; he gently pushed a chair towards her and himself sat down in another.

"Lizzie," he said in a low voice—"after what has passed between us I can only call you by that name—Lizzie, I beg you to be assured that I am your friend—that now as always I shall only think of what is best for you, smooth the way for you, remove all difficulties from your path."

She looked up—but said nothing.

"You would not make it up with me. Your mother has told me that you avoided me; your poor brother, who is a prisoner in his sick-bed at Falkenstein, has told me that he has begged you in vain to forget all that is past and to receive as a friend one who came to you as a friend. But you would not.

"It is thus, then, that we were to meet. I would not talk to you on the telephone yesterday. Our meeting was to be, as it has been. What I could do for you, I have done; and if I can help it, this affair shall trouble you no more. But now we have met and you must give me your hand."

Lizzie mechanically raised her hand, and Sterner shook it.

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He looked at her, and saw a gleam as of tears in her eyes.

"Lizzie," he said—"it has come at last—you and I have met again. I am your friend, and as your friend I shall be able to protect you."

She withdrew her hand.

Sterner took it again, and she listlessly allowed it to remain in his.

"I know more about you than you think, Lizzie. Lately you have been more in my thoughts than anything else. I know your sorrow, I know your troubles, and I offer you my help."

She whispered:

"I cannot accept help from you, Fritz."

"Not now, not immediately—I don't wish to force myself upon you, I have been patient; for your sake I have been visiting Falkenstein, but I have not forced my society upon you. I was never tactless. But I will tell you this, that what I know about you I have not heard from your mother or your brother, whom you have always spared the knowledge of your troubles. I have heard it from the man whose death has brought us together."

Lizzie trembled, and Sterner released her hand.

"Lord Faringdon told me of your wishes and of what he has done for you. You might have chosen a better confidant, but he has acted as a friend. Now he is dead, and many circumstances point to your husband as his murderer."

Lizzie rose.

“He is not——”

The words came with an outburst of fear and anxiety.

“It may be my lot to convict him. I know, besides, a great deal about his behaviour to you, that will not make me feel more lenient towards him. Truth must come to light, and then woe to him!”

“Saarbrücken is innocent—he did not murder Cecil. He did not, I say—he cannot have done that.”

Sterner shrugged his shoulders. — “Time will show.”—His tone became friendly again, almost affectionate.—“But you, Lizzie, must trust in me from to-day. You will not regret it. As to the future, we will not speak now, the time is short, but I only beg of you—give me your promise—try me.”

She looked up and said, almost in a whisper:

“I cannot—let me go—let me go home and try to find peace there. You say yourself that you are not going to send for me here any more. If that is so, then let me be alone. You must not ask anything of me, Fritz.”

Sterner had risen.

“Then we will say no more about it to-day. But I shall come to see you, Lizzie, at your home, and you *must* give me your confidence. Whether I am to prepare the case against him or not, I want to feel sure at least that I possess your trust, and this time, Lizzie, I shall not fail you. I only ask for your friendship.”

She said nothing, but her cheeks were glowing.

She turned to go, then stopped and said in the same low tone: "Fritz, can you give up this case?"

Sterner nodded.

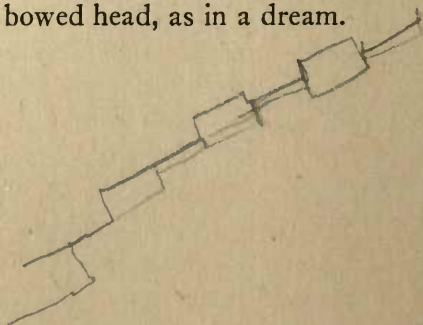
"Then do so—that will be the truest way of showing me that your words are honestly meant."

"May I come and see you at Falkenstein and talk over *this*?"

"Yes, about *this* you may——"

Sterner took her hand to say good-bye.

She went away with bowed head, as in a dream.



CHAPTER THREE

SCHALTZ was dumfounded. Evidently there was something behind this. The young, handsome lady was blushing as if she had come from an assignation. These two knew each other, that was certain. He cudgelled his brains to find out how. Kiel, Kiel—Sterner came from Kiel; Frau Saarbrücken was also born at Kiel. Were they old friends, then? But why had he said nothing about it? Well, that did not concern the police. But the conversation through the telephone! No, there wasn't a shadow of doubt that these two people were old acquaintances.

Schaltz took a shrewd observing look at his superior. "All right, you think you can play tricks with an old police hand like me!" he thought.

He checked himself in these disrespectful thoughts, and involuntarily drew himself up, but he swore a genuine Brandenburg oath that he would be on the lookout. There was going to be some fun.

Saarbrücken was brought into court. He had the handcuffs on; this was due to his behaviour on the previous evening.

Sterner made a slight bow. The accused stood

stiffly defiant at the bar. Sterner noticed the handcuffs. "Will you immediately remove those handcuffs, gaoler," he said. "In Prussia, no subject is brought up with bound hands."

The gaoler hastily obeyed.

Sterner continued: "Will you bring forward a chair for Herr Saarbrücken? Please sit down. Thank you, gaoler; now you can go."

The gaoler hesitated. "I said you could go; didn't you hear?"

The gaoler went.

Sterner left his seat and approached the accused, who, in spite of the invitation to be seated, still stood at the bar, rather confused. He had armed himself with defiance, expecting official arrogance, and did not know what to make of the magistrate's considerate behaviour.

Sterner made him another little bow.

"Herr Saarbrücken," he said, "before I begin the examination, I wish to inform you that your legal adviser has applied to me to be allowed to defend you. I am very desirous that you should have confidence in me; I should prefer that, until the prosecuting authorities take over the case, you should have an opportunity of speaking out quite frankly to me. The laws of Germany forbid me to deal with you without witnesses. I therefore confine myself to saying that I am aware of the fact that besides being your judge—I am a man to whom you bear an old grudge. I admit that I once found myself opposed

to you on a purely sporting question. The present serious situation has completely effaced all traces of that trifling contention. On that you have my word as a gentleman. The German law obliges me to direct my attention quite as much to what speaks in your favour as to what speaks against you. I shall do my duty as a judge and as a man of honour. I wanted to tell you that before opening the case."

Without waiting for an answer Sterner took his seat in the judge's chair and motioned Saarbrücken to be seated.

Schaltz had followed the scene with great attention. So here was an old acquaintance! And what about the wife? He took up his position, feeling like the rightful occupant of a stall at a sensational first night.

Saarbrücken was completely disarmed; he sat in silence.

The examination began with the customary questions as to date and place of birth, and so on.

Saarbrücken answered in a low but firm voice.

Then they came to the point.

"Your arrest is due to the fact that you were about to leave the town."

"That's a lie," thought Schaltz. "What does he mean by that?"

Saarbrücken flared up: "I considered myself at liberty to leave whenever I liked."

Sterner objected mildly: "It was injudicious of you, Herr Saarbrücken, after the police had asked

you to give information and led you to suppose that you would be called to give evidence at the inquiry. You did so, didn't you, Schaltz?"

Schaltz sprang to his feet: "Yes, sir!"

The magistrate's face gave a nervous twitch, and Schaltz sat down again, swearing to himself.

Saarbrücken shrugged his shoulders: "I could not guess that anyone would take it into his head to suspect me."

Sterner raised his head: "Perhaps——"

"Why am I suspected in this ridiculous way?"

"Because certain circumstances point to you, Herr Saarbrücken. The case is of very great importance; it is a case that draws the attention of the whole of Europe to this town, where people whose names are known all over the world have come for health and pleasure, where foreign royalty honours us with its presence, where, in short, the *élite* of Europe is assembled. We have to treat it so that no one can reproach us."

Saarbrücken mumbled: "It is rather hard that I should have to pay for all this."

The magistrate then took up the little locket that was found on the scene of the murder, and asked sternly: "Do you know this?"

"Yes," replied the accused; "It is a locket with my wife's initial and—a—a souvenir."

"It was found on the scene of the murder. Do you admit that this is a fact of importance?"

Saarbrücken bowed his head. "Yes—if anyone

had asked me about it yesterday, I could have explained it all."

"Perhaps you will explain it now?"

"This locket used to belong to me. I wore it until the day before yesterday, when I lost it playing tennis, and one of the boys brought it to me during the afternoon."

"While you were sitting smoking on the terrace of the Curhaus with the murdered man, was it not?"

"Yes."

"You will admit that this looks singular? The boy brings you this locket at six o'clock in the afternoon. Next day it is found on the scene of the murder, torn off a chain; this link has evidently been strained, so it was torn off. Will you give me an explanation of this, Herr Saarbrücken?"

Schaltz sat with wide-open eyes. He knew nothing of all this; it was clear that Dr. Sterner was not so green after all. Deuced singular that this had escaped Schaltz.

The accused pulled himself together. "I admit that this appears to be against me. I see now that the affair is more complicated than I thought, but I have a clear conscience and I shall come out of it all right. I did not lose this locket on the scene of the crime."

Sterner was perfectly calm; his voice sounded very friendly: "I only asked you for an explanation. I am willing to accept any you offer me. I am glad to hear, at any rate, that you admit I was justified in acting as I did. For you do acknowledge that, don't you?"

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"Perfectly," replied the accused.

"Very well. Then will you explain to me how this locket came to be where it was found?"

"I gave it the same evening to Lord Faringdon."

"Gave Lord Faringdon a locket with your wife's initial!" Sterner opened the locket. "And as far as I can see, a lock of your wife's hair! You will admit that this sounds very strange? You can scarcely suppose—or rather, does your wife know of this?"

"No."

"H'm!" Sterner rose and came down from his seat. "I am bound to tell you that this is bad, very bad. To be sure, it is only circumstantial, but very important circumstantial evidence. And so you are quite unable to explain it?"

"Quite," answered the accused quietly.

"Well, if that's so, I must put it into the evidence."

Sterner dictated and the clerk took down his words; it struck Schaltz that the form of them was very favourable to the accused. Far from using any expression that might render the circumstance more suspicious than it was of itself, the magistrate showed every desire to give the prisoner fair play.

Saarbrücken formally acknowledged the correctness of the report.

Sterner resumed his seat and continued: "You came back to the hotel the evening before last before eleven?" He read the report and looked inquiringly

at the accused. "Is this correct, then—you were out between 12.20 and 1.30? Where were you?"

Saarbrücken turned red as fire.

"I must ask you for an answer. Where were you?"

Saarbrücken rose. "I see that circumstances have conspired against me; I am accustomed to take life as it comes, and you know I am not afraid. I have my faults, but I never tell a lie—I don't remember ever to have told a lie. Let it end as it may. As far as I can see, this is only a preliminary inquiry. Circumstances are against me."

Sterner interrupted him: "Won't you tell me where you were? I must expressly draw your attention to the fact that by proving an alibi you will be able to clear yourself. I understand that you think you ought to spare another party—or do I misunderstand you?"

"I cannot speak. I accept the situation as it is; it is stronger than I. All I ask to know is, what will happen if I hold to my refusal?"

"Will you acknowledge your guilt in the murder of Lord Faringdon?"

"No. I am innocent."

"Well, then, I must observe that on one point you are committing a grave error. By refusing to answer my question you expose yourself to an immediate prosecution for murder. It is all very well for you to say that you take the consequences and that it is your affair. But your attitude has another result, and

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that is, that after what has passed the case will be directed against you alone. If you are innocent you will certainly abandon your attitude. If, for instance, it is a question of a lady, whose good name you consider yourself bound to shield—that is a possibility—then neither you nor she will be silent in the long run. You see, you run the risk of being condemned on this. And then, when you speak out, perhaps it will be too late; the traces of the crime will be wiped out. The authorities will be led away from the right scent to a false one; the case will come to nothing. You will understand that you are not master of what you will say and what you will not. It is your duty to speak.”

Saarbrücken clenched his teeth and said nothing.

Sterner pursued in the same steady, quiet tone: “Besides which, no one will hear of your explanation. These gentlemen are on their oath; if your alibi can be proved, the case against you will be dropped; and the proof of your declarations shall be made with all possible discretion. Therefore I beg you to speak.”

“I cannot prove my alibi. Who can prove an alibi completely? I passed through the Park twice—that is enough. I know as little as anyone when the murder took place. Who knows that I may not have passed the spot while the murder was being committed, and then of what use is my alibi? No, I can't say where I was.”

“But you were in the Park?”

"Yes."

Sterner dictated what had passed to the clerk. When it had been read over he added:

"Well, Herr Saarbrücken, after this you will scarcely be surprised if you are charged with the murder. Can you say anything to invalidate in some other way the presumption raised by this examination? Have you any idea who committed the murder?"

"No, the whole thing is inexplicable to me."

"You have nothing to add?"

"No."

"Very well. I have only one or two more questions to put to you. What is your financial position?"

"I am insolvent."

"Insolvent! And you carry on a large business—you stay here and spend a lot of money?"

"I have only to be kept in custody two days, and my creditors will apply for a receiver to be appointed."

"Did you foresee this?"

"No; if I had been at liberty I should easily have been able to ride out the storm, but now it is all over. It is no use blinking the fact. The step you have taken means ruin to me. I shall have to bear my trouble like a man. And I can do that, thank God!"

"And your wife—is she prepared for this?"

"No, my wife knows nothing about my business, but my misfortunes will not fall upon her. Her

mother is at Falkenstein, and has some small fortune. Besides, my wife is provided for in another way. She inherits all Lord Faringdon's personal property, and he was very rich."

Sterner played with his eye-glasses. "Do you see, Herr Saarbrücken, that this circumstance, taken with the others, furnishes a still more weighty piece of evidence against you?"

"Perfectly," answered the accused calmly.

"And that these circumstances may drag your wife into the case?"

"I don't believe it. My lawyer can prove that my wife knows nothing of Lord Faringdon's testamentary dispositions."

"There you're going too fast," interrupted Sterner. "One can't prove a negative."

Saarbrücken raised his head with a little smile: "It is not everybody that has my bad luck. I can prove that my wife has taken steps to obtain a divorce, and that the only thing that has stopped it has been my opposition."

Sterner raised his head, which he had lowered while this statement was being made.

"Are you aware that this piece of information makes your case still worse?"

Saarbrücken smiled again: "Dr. Sterner, it *can't* be worse than it *is*. I am not a particularly religious man, but I still have some faith in truth and justice. I have full confidence in my just cause. And," he added, with a bow and a sarcastic smile, "in order

to avoid those drawbacks you referred to, I should advise you to undertake a search at once elsewhere, before it unfortunately becomes too late."

X Sterner scanned the accused closely. Schaltz pierced him through with his eyes. This was really a wonderful man—both of them were, in fact. So, after all, there was something to be learned from science.

The evidence was copied out and given to the accused to sign. The magistrate stood thinking for a moment.

"Remove the prisoner," he then said shortly.

Thereupon the accused was taken out, and Sterner gave the order to call the witness who had been in service with the Italian couple before their departure.

The witness entered.

Sterner looked closely at her as she came in, a middle-aged woman, very showily dressed, short and very dark.

"Your name?" he asked.

"Nathalia Stolzi."

"Where born?"

"In Austrian Tyrol, but I have lived here in Homburg for fifteen years."

"You were in service at the little cottage in the Park, with the banker Delphini and his wife?"

"Yes," was the answer.

"You were at home the night before last at midnight?"

"No," said the witness. "Madame sent me into

town at eleven o'clock to a dressmaker's, who was to have had some things ready by that time. Madame was leaving early the following morning."

"When did you come home?"

"At about half past twelve.—I don't remember the exact time. But I had to wait a good time at Fräulein Krause's, the dressmaker's, as she was not ready with the things."

"Had your mistress gone to bed when you came back?"

"No, both she and my master were up. They were busy packing."

"Did you meet anyone in the Park?"

"Yes," replied Nathalia Stolzi; "somewhere about the crossroads—where they found the murdered lord—I saw a gentleman who was walking along the road."

"Indeed," interrupted Sterner; "and would you be able to recognise this gentleman if you saw him?"

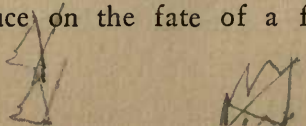
Nathalia hesitated for a moment. "Yes, I think so. He was tall, stout and fair; he wore a light overcoat and had a soft felt hat on his head."

"Schaltz," said Sterner, "will you bring in the prisoner?"

Schaltz went out.

Sterner turned to Nathalia Stolzi.

"Now perhaps you will be kind enough to think well over it—your statement here is of the very greatest importance, you understand. It may have a decisive significance on the fate of a fellow-creature.



If you recognise this man, you must say so; if you have a shadow of doubt, you must also tell us that."

The dark little woman was on thorns. Her former confident bearing had disappeared, and she trembled slightly.

The door opened and Schaltz entered with Saarbrücken.

Sterner kept his eyes fixed on Nathalia.

"Was it he?"

The witness turned towards Saarbrücken, whose face was calm and unmoved; her voice trembled as she whispered, turning to the magistrate:

"It was he."

There was a deep silence.

"Did you, Saarbrücken, meet this woman the night before last about half-past twelve in the Curhaus Park?" asked Sterner.

"No," was the answer.

"Remove the prisoner again," said Sterner.

Schaltz made a sign to Saarbrücken, and together they left the court-room.

"Are you aware that this evidence of yours, which you will have to repeat in the assize-court, is of decisive importance to the accused?" asked Sterner.

"Yes," replied the witness in a scarcely audible voice.

Sterner proceeded with the examination. He interrogated the witness backwards and forwards, about her master and mistress, about herself and about the

people who could testify as to her. It appeared from her explanations that the Delphini couple led a very retired existence, and as far as she knew lived very happily together. She had only been their servant during the time they had been living at Homburg; they had but few acquaintances, but enjoyed the best of reputations. The witness was unable to say whether either of them had left the house that evening. Her master was out when she left, and he was at home when she came back, about half-past twelve, as before stated. She had never heard Saarbrücken's name mentioned in the house, nor Lord Faringdon's either, and as far as she knew these two persons were unknown to her former master and mistress. As to their departure from Homburg, she declared that the date of it had been decided as far back as her engagement, and their tenancy of the cottage expired on July 8th.

She knew that Mr. Delphini's home was in Milan, but she did not know the address. The couple had gone from Homburg to Switzerland to spend a few weeks in the mountains.

Finally, this witness was dismissed, and Saarbrücken was again brought in.

"Mr. Saarbrücken," said Sterner, in a quiet, firm voice. "You will perhaps have remarked that the evidence of the last witness makes your position more than questionable. You deny having seen this woman; I pass over that, since it is quite reasonable to suppose that you did not notice her, although she

went by you at a very short distance; but *she* saw *you*; and it is thus established that you were seen in the Park at a time when the murder may have been committed. I must therefore call upon you—this time in your own interest—to explain how you came to be present at that spot at the time in question. There is no question now of proving an alibi; there can be no talk of that; you have only to explain why you were in the Park.”

Saarbrücken looked up with a slight smile.

“I have told you myself that I passed the Park, so there is nothing new in this as far as that goes. And I don’t see what difference it makes if a woman unknown to me has seen me. I don’t know when my friend was murdered—whether *you* know it or not, I can’t decide.”

Sterner shrugged his shoulders.

“Schaltz,” he said; “take the prisoner back to his cell.”

As Saarbrücken was turning to follow Schaltz, the magistrate addressed him once more.

“Prisoner,” he said, “I must tell you that, according to the provisions of Paragraph 88 of the code of criminal procedure, you will to-day be confronted with the body of the murdered man.”

Saarbrücken raised his head solemnly: “I have seen a dead man before now, and could the body witness to my innocence it would cry aloud to heaven.”

Sterner said nothing.

The order for close confinement was cancelled, and the prisoner was led away. The inquiry was suspended, and the court rose.

The same day, shortly after the examination, the public prosecutor was summoned by telegram.

Schaltz was now convinced that Helmuth Saarbrücken was the murderer. He approached the magistrate respectfully: "Dr. Sterner," he asked, "how did you come to know that about the locket? Excuse my asking, sir, but it was a thing I ought to have known."

Sterner smiled: "Chance, Schaltz—blind chance. The boy who found the locket was my porter's son; I got the story from him this morning."

Schaltz shook his head: "It doesn't look well for him, sir."

"No," replied Sterner; "it does not. But it would look worse if there had been less of it; as it is, there is almost too much."


That is how the case stood on the eighth of July, and the next day the court at Frankfort was informed of the prosecution of Helmuth Saarbrücken, merchant, charged with the wilful murder of Cecil Laking, Baron Faringdon, late of Rigsby Abbey, in the county of Kent, in the United Kingdom of Great Britain and Ireland. The charge included no one else besides Saarbrücken, as the public prosecutor had been put in possession of facts which seemed to preclude the possibility of the wife of the accused, Elisabeth Saarbrücken, having any share in, or even

knowledge of, the crime with which her husband was charged.

On the same day the legal viewing of the body was conducted by the official surgeon, Dr. Grible, in the presence of Magistrate Sterner and the accused, who stood quite coolly and collectedly by his murdered friend's body and watched without the slightest tremor while the doctor showed how the Corsican dagger fitted the fatal wound perfectly.

The doctor shook his head. Either this man must be innocent, or more hardened than any professional criminal.





CHAPTER FOUR

ON July 9th the examination of witnesses was continued, and the 10th saw the arrival of the two English solicitors, Sir Longland Hearne and Mr. Tunstaple Wells.

Sir Longland Hearne might have been taken for an eminent politician; he was thin, upright and sharp-featured, had iron-gray hair and wore an eyeglass. His eyes were brown and naturally full of life, but strict discipline had made them appear dull and unfathomable. He was something of a dandy, and his income was not less than twenty thousand a year. He had been at Oxford with the sixth Lord Faringdon, whose lawyer and confidential friend he afterwards became.

In 1888 Hugh, sixth baron, was racing at Cowes when he met with an accident which caused his death. Lord Cecil was then only seventeen, and when he came of age and inherited the property, he inherited Sir Longland as well.

The Roxley family who were next of kin, cherished a natural distrust of Sir Longland. Sir Longland did not know them, but he knew their lawyer, Mr. Tunstaple Wells, and thought him of very small account.

It was therefore not an unmixed pleasure to him to share a cabin and a railway carriage with Mr. Wells all the way from Dover. They did not say two words to each other on the journey, though they had the carriage to themselves.

They both went to the Curhaus Hotel; they had both come on the same business—to look after Lord Faringdon's inheritance.

Sir Longland Hearne was not long in finding out that Sterner was the man it would best pay to see, and to him he went.

Sterner was guarded. He received his former principal politely and Sir Longland was glad to hear that his pupil was getting on well. He was interested in hearing about Frau Saarbrücken, and it was with no little satisfaction that he found she was not included in the accusation. He would have been sorry that such a thing should have happened to his client; for he regarded himself as a part of the heritage and placed himself at the lady's disposition. On the other hand, he was grieved to hear that her husband was probably the murderer; but as the lady was to be divorced and could get a division of property, they would get over that. Sir Longland was less interested about Lord Faringdon; to his mind a dead client was represented by his legal heirs, and the thing now to be done was to get the position defined so that Sir Longland Hearne might be master of the situation.

The funeral of Lord Faringdon would be *his*

affair; it should be carried out with all pomp at Rigsby Abbey; it was provided in the will that if the body could be found, it should be cremated and the ashes placed in an urn in the Abbey chapel. The late Lord Faringdon had calculated on being drowned, but it had turned out otherwise.

Sterner was very well satisfied with Sir Longland Hearne, and they agreed that Sterner should introduce the lawyer to the heiress; possibly it would be a good arrangement if Sterner were to be appointed her trustee, but there was plenty of time for settling details.

Sterner asked whether Sir Longland would like to see the body; Sir Longland did not care about that, but proposed to Sterner to come to lunch with him; Sterner accepted the invitation, but suggested that they should lunch at Cronberg, where Frau Saarbrücken was now staying. Sir Longland Hearne asked whether it was there that the Empress Frederick had a villa, and on being told that it was, expressed his respect for the English princess. Then they got into Sterner's motor-car and went up to Cronberg to lunch and see the heiress.

Mr. Tunstaple Wells lunched alone at Homburg, and then paid a visit to the police president, who passed him on to Schaltz. Mr. Wells went to see Schaltz and found him a man after his own heart. Wells held radical and democratic opinions; his father had been a Scotland Yard detective, and from

his childhood he had been accustomed to the police and their ways.

Schaltz spoke good English and gave Mr. Wells an account of the whole affair, so far as discretion allowed him.

Mr. Wells asked Schaltz whether they should be frank with each other, and Schaltz declared that he would be delighted if Mr. Wells would be frank.

So Mr. Wells told him that his mission was to represent the next of kin, the Lakings of Roxley, who had been informed by a certain Sir Longland Hearne—to put it mildly, a most arrogant and intellectually insignificant person—that the whole personal property of the murdered lord had been left to a German lady. Mr. Wells had seen in the paper that this lady was the murderer's wife, and he was very glad of it, since she was probably an accomplice in the crime and therefore would be excluded from the legacy.

Schaltz had to deprive Mr. Wells of this consolation; the lady in any case was innocent, and the legacy would certainly go to her.

Mr. Wells pondered it.

"Then I may just as well go home again," said he. "It isn't in my line to squabble with the great Sir Longland over his lordship's corpse. Let him and the lady bury his lordship between them; he was a useless booby while he was alive, and now he's been stuck like a pig. Peace be with him!"

Schaltz had an idea.

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"Mr. Wells," he said, "there is still a possibility that there may be some work here for you. Are your clients rich?"

Mr. Wells drew himself up: "My clients either *are* rich or are *going* to be rich—generally by my help. The Lakings of Roxley, and especially Lord Julius Laking, now eighth Baron Faringdon, are at this moment about to become very rich."

Schaltz blinked his eyes. "Sir," said he, "my lips are sealed, when it is a question of police information; but I am human, I have seen a good deal and I am at liberty to think my own thoughts like other men. As things now stand, Saarbrücken is accused of the murder, and there is much circumstantial evidence against him. There are so many points that I have seldom seen more, and therefore there is something for a lawyer to do. You ought to call on your German colleague without delay, Mr. Isidor Rosenthal, advocate, of Frankfort, Mr. Saarbrücken's counsel."

Mr. Wells pondered it. "Do you think yourself that the man is innocent?"

"Don't know," replied Schaltz shortly.

"Well, whether he is or not don't really make a button of difference to me or the new Lord Faringdon," said Wells with a slight yawn. "As a lawyer, chiefly occupied with money matters, I don't take any interest in criminal cases, and I don't see that it matters one way or the other if Saarbrücken is the murderer. His wife—who seems to be going to run off

with a lot of money that rightly ought to come to us—she's innocent, according to what you say."

Schaltz cleared his throat.

"Sir," he said, "now you are putting words into my mouth that I have never used. As a policeman I can't say anything more, I can only hint to you that if your clients are rich, it would be to their interest to lay out some of their riches on finding out *who* has murdered Lord Cecil. That is, provided of course that it is *not* Saarbrücken. For if it is he, then the heiress, who stands between your clients and their inheritance, is innocent and fully entitled to receive the legacy."

"Do you mean to say you think—" began Wells.

Schaltz interrupted him. "I only mean to say that I advise you to try and work as closely as you can with Mr. Isidor Rosenthal."

Mr. Wells took the matter under deliberation, and decided finally to throw in his lot with Mr. Isidor Rosenthal.



CHAPTER FIVE

IN his large and handsome office on the Zeil, Frankfort's principal artery, sat the advocate Isidor Rosenthal, buried deep in his work.

It was Saarbrücken's affair—or rather, Saarbrücken's affairs—that just now hung over the great office and its many clerks, as a case, a man and his affairs may suddenly lay claim to the whole of a lawyer's activity.

The formal side of the case was clear. Saarbrücken was charged with murder and the court had appointed Isidor Rosenthal for the defence. Saarbrücken was much liked in Frankfort, and his friends had formed a committee of liquidation to carry on the business of the firm of Fürste and Wienecke under Rosenthal's supervision, so as to keep it above water for the present, until a definite arrangement could be come to.

The arrest of his son came upon Saarbrücken Senior like a thunderbolt; he would have been ready to provide for his smaller personal needs, but he had foreseen the bad state into which the business had got, and he was too wise to throw away any of his money in helping it. He stayed quietly at Hamburg and

when he went on the Bourse received the condolence of people whom he knew to be rejoicing over the ill-luck that had befallen his house. That is the custom of stock exchange people all the world over.

But all this gave work, much work to Isidor Rosenthal. He sat up to the ears in the books and papers of the house of Fürste and Wienecke, when his chief clerk announced Mr. Tunstaple Wells.

"Ask him to come in," said Rosenthal, immediately assuming that air of the man of the world with which business people on the Continent arm themselves against the English, lords of the sea, who from time immemorial have compelled the respect of the dwellers on the Continent. In matters of business it is always an additional asset to be an Englishman, the nationality by itself lays claim to a more distinguished kind of treatment. A Frenchman is to be parleyed with; a Russian to be treated as a barbarian; a Scandinavian to be ignored, and an Italian or Spaniard may be slighted. But an Englishman!—The great Prince Bismarck used to say: "In Germany when they see a Russian prince they say, Oh!—an American millionaire" (millionaires had not been invented in Bismarck's day), "Oh! oh!—and an English lord, Oh! Oh! Oh!—but a Silesian count is greeted with Bah!"

Mr. Tunstaple Wells was a democrat, well-disposed, blunt, straightforward and business-like; Rosenthal was extremely polite.

"Mr. Rosenthal," said Wells, "I hear you represent Mr. Saarbrücken both with regard to his fortune and with regard to his head— Well, I've come to see you. Our interests, as far as that goes, are parallel. I represent his lordship, the eighth Baron Faringdon, till now known as Lord Julius Laking. He is the murdered lord's heir-at-law; I hear that the late Lord Faringdon's personalty has been left by his will to the wife of your client. Is that so?"

Rosenthal nodded.

"By common law the murderer loses his right to inherit the property of the man who has been murdered by him or at his instigation. I therefore ask you two questions. Is there community of goods between Mr. and Mrs. Saarbrücken, and is one or both of them guilty of the murder?"

That was going straight to the point, thought Rosenthal, but his questioner was an Englishman, and that explained all. Englishmen are supposed to go straight to the point. Therefore Rosenthal answered briefly:

"Sir, your first question I must answer in the affirmative. There is community of goods between Mr. Saarbrücken and his wife. The second, somewhat more intricate question, I answer in this way: I have undertaken the defence of Mr. Saarbrücken, therefore he is innocent."

"Ah!" said Mr. Wells, stretching out his legs.

"May I in return ask you," Rosenthal went on, "how much Lord Faringdon may be thought to have

left, besides the entailed property, which does not concern us here on the Continent?"

Mr. Wells calculated in his head; he could not make it less than 120,000.

"Pounds?" asked Rosenthal.

To which Mr. Wells merely replied: "Of course."

Rosenthal offered Mr. Wells a very long and choice Havana.

Mr. Wells proceeded to light it.

"So then, my dear sir," said Wells from behind a great cloud of smoke, "your man is innocent. That is pleasant for him, and pleasant for you too, as it will make it easy for you to defend him and honourable to get him off. For me it is less pleasant, in so far as it makes my clients lose a good round sum; and you will admit that, since Lord Cecil is murdered, I am in the position of a man who would prefer to see the culprit found, but would prefer most of all that this should be the means of bringing money to my clients."

Rosenthal had to admit that the case might be looked at from that standpoint, especially by one who represented the new Lord Faringdon. "But," he added, "in any case Mrs. Saarbrücken is innocent, and the money is hers."

Mr. Wells drew at his cigar.

"Might it not be supposed," he suggested, "that Mrs. Saarbrücken herself had an interest in getting rid of Lord Faringdon?"

"Then you don't know Mrs. Saarbrücken," interrupted Rosenthal.

"No, I don't," was the answer; "and for that very reason I cannot insult the lady with my hypothesis. I am only asking a question. You represent in the first place Mr. Saarbrücken's defence. I know that there has been talk of a divorce or something of that sort."

Rosenthal thought to himself: where does he know that from? but he consoled himself by thinking that Englishmen got to know everything, and he said nothing.

Mr. Wells continued: "We—Lord Julius and the other heirs—are willing to contribute to the costs of Mr. Saarbrücken's defence, if thereby we could obtain a positive result with reference to the question of the inheritance."

"You mean—" said Rosenthal—he had a rapid brain and had already seen through the plan.

Well, as far as that went, Mr. Wells did not mind. Therefore he went on:

"Yes. You see, if Saarbrücken is innocent, as you say he is—and if he is on bad terms with his wife, as—other people say" (Mr. Wells had it from Schaltz), "then we may suppose the possibility that the lady has had a finger in the business, which of course she may have had. This would raise an extremely interesting legal question as to Mrs. Saarbrücken's right to inherit, which would form an excellent basis for an agreement, for which we shall always be ready."

The idea appealed to Mr. Rosenthal only so far

as Mr. Wells' willingness to pay the costs of the defence was concerned. The house of Fürste and Wiencke was not in a position to pay large fees, and the English money market has the advantage that it reckons in a large unit: the pound sterling. That was good enough. The other side of the matter was less inviting. Rosenthal believed in Saarbrücken's guiltlessness, and he had no doubt of Mrs. Saarbrücken's absolute innocence. But he was a good man of business, and he admitted that, if investigations were to be made in *that* direction, it was just as well that they should be conducted by him.

He smiled and showed his fine white teeth under his glistening black moustache, as he said in a friendly tone:

"I accept that."

Mr. Wells was a little surprised, but after all it was his own proposal. Had he by any chance made a slip? No. The meaning of it was, of course, that the advocate did not believe in his client.

"Mr. Rosenthal," he said, "I see you understand me. We arrange a counter-investigation, and in this you take the lead. I propose that you should discover everything that could weaken the suspicion of your client's guilt. You must do more than this; you must use your best endeavours to find out the real culprit, and in the course of these endeavours you will take into consideration the eventuality that I hinted at just now. On this point you will work with us from henceforward. Are we agreed?"

Rosenthal smiled. "You mean, Mr. Wells, that Saarbrücken, who is to be divorced from his wife, will not touch any of the legacy, whether he is guilty or not guilty; but that she, if she can be shown to have any complicity, will get nothing either. And it is this last proof that your esteemed clients are prepared to pay for with a—thumping fee."

"That's it," said Mr. Wells.

"Then we understand each other," added Rosenthal.

"Very well," concluded Mr. Wells. "Then let us look into the case. How many points of circumstantial evidence are there?"

"Seven," said Rosenthal.

"That's a good lot," was Mr. Wells' opinion. "What are they?"

Rosenthal took up a piece of paper. "First, Saarbrücken was out at night at a time which probably corresponds to that at which the murder was committed—more than that, a witness saw him in the Park. Secondly, he either will not or cannot prove an alibi. Thirdly, his wife is Lord Faringdon's heiress, and he knew it. Fourthly, he is deeply in debt to Lord Faringdon or his estate. Fifthly, his locket was found on the scene of the crime. Sixthly, his dagger fits the wounds, and seventhly, he is on the brink of failure. That makes seven, doesn't it?"

"And yet you believe he is innocent," said Wells. "Your faith is strong."

"Quite right," said Rosenthal, "but not one of

these circumstances, taken by itself, is of a nature to involve his guilt."

"Of course not," smiled Wells. "But you see, my dear sir, if these things were certain, they would no longer be circumstantial evidence but proofs, and then neither you nor I would have to trouble our heads with them."

"That is just it," said Rosenthal, with a broad smile. "You, Mr. Wells, must have a great interest in seeing Mr. Saarbrücken found guilty, even if you were forced to speak of a basis for an agreement, as you so kindly hinted just now. You did not go to Mrs. Saarbrücken and her friend the magistrate, Dr. Sterner, who is doing his best to convict Mr. Saarbrücken, did you? You came to me. And I am proud enough to think that you did so because you believe my case to be a good one. Am I deceiving myself?"

"Mr. Rosenthal," said Wells shortly, "I am an Englishman, and I go straight to the point. You have opposed to you a man, a countryman of mine, whom I can't stand. A disagreeable, elderly Tory named Longland Hearne. Very well, *that* way is barred. Our interests are diametrically opposed. Mrs. Saarbrücken is strong in her alliances. You understand. I am honest with you."

Rosenthal bowed.

"And the practical proposal?" he asked.

"I leave that to you, who know the place."

"I thank you for your confidence," replied Rosenthal. "And I hope you will dine with me to-day. I

should like to have seen your colleague; perhaps we could have found a new basis for our operations. I never go out of the way to win over my opponent with friendliness."

"You may spare yourself the trouble," said Mr. Wells dryly. "Sir Longland Hearne has gone motoring to-day to Cronberg with the magistrate, and in all probability he is at this moment engaged in an intimate conference with Sterner and his *protégée*, your client's wife."

"Ah," said Rosenthal. And he added: "Sterner must retire from this case."

"Or else he must be made impossible," said Wells. Rosenthal made no reply.

"We must make sure of Schaltz," he said. "He is not particularly fond of his superior; he is a lower-class man, but he has a certain position in the little local society. Would you have any objection to meeting him at dinner?"

"Mr. Rosenthal," said Mr. Wells, "I am a democrat; my father was a detective, like Mr. Schaltz. Need I say more?"

Neither of them said any more, and that day Schaltz dined exceedingly well at the most fashionable restaurant in Frankfort, in very good company.

CHAPTER SIX

FROM Homburg to Cronberg the road goes through Oberurzel; it is about eight miles long, with a gradual descent to Oberurzel and from thence a gradual ascent to Cronberg. From Cronberg it goes winding steeply up to Falkenstein, where the sanatorium for consumption lies. It is a fair, smiling landscape, bounded by the mountain slopes of Taunus, with numberless houses and gardens. Nearly in front of Cronberg lies the Imperial castle of Friedrichshof, where the English-born Empress Frederick spent the last years of her life as the widow of the Emperor of a hundred days, the white Kaiser Friedrich.

The whole drive took less than half-an-hour. Sterner was his own *chauffeur*; he drove slowly, because his guest, who did not really care much for this modern style of vehicle, wished it. There was therefore plenty of opportunity for conversation on the way.

Sterner talked; he prepared Sir Longland for Mrs. Saarbrücken's state of mind, dwelt upon her solitary situation and assured him of his deep respect for her. He did not go into further details of their acquaint-

ance; all he said was, that in former days he had known her very well.

"The question before us, then," said the English lawyer, "is this: is she innocent of Lord Faringdon's murder? According to international practice, this question is decisive as to her right to inherit."

"When you have seen Mrs. Saarbrücken," said Sterner briefly, "you will never again address that question to anyone."

Sir Longland Hearne bowed.

"The next question is that of community of goods, and here perhaps I may repeat what I have already briefly alluded to. Lord Faringdon's will has been drawn up according to English law and with English legal conditions in view. Personally I know something of German law; I know that paragraph 1363—you see, I can even remember the paragraph—of the civil statute-book allows the husband the management and enjoyment of his wife's fortune in case of community of goods. I know, too, that paragraphs 1365 and 1369 of the same law are occupied with the question of money or objects of value, which, for instance, are devised by a testator to the wife alone; and in this case they become her sole property, without the husband having the slightest right over them. The will we are interested in is not drawn up in such a way that one can say definitely that it contains such dispositions as to reservation; on the other hand, however, it is not certain that the provisions demanded by German law for the withdrawal of such

an inheritance from the husband's sphere of control have been fulfilled. As you see, we have here very good reasons for being cautious, for . . . ”

And while the sun shown over Oberurzel, over curly-headed children playing by the roadside, over cows and little pigs, over the whole landscape with its smile of summer, Sir Longland Hearne went deeper and deeper into the interesting case of conflict between English and German law which was occasioned by the will of the late Lord Faringdon.

Sterner steered his car carefully between the curly-heads and the pigs; now and then he gave a nod, when his learned guest said something very good; and now and then he would have liked to interrupt him. Passing Friedrichshof he nearly ran over an old woman, when Sir Longland said something more than usually learned.

Then he closed the discussion with a brief remark.

“ In any case, we cannot think about the payment of the legacy before the trial for murder is decided.”

Sir Longland struck his hands together. “ Lord! ” he said— “ By then the first preliminaries will hardly have been put in order, unless German criminal procedure is extraordinarily slow.”

“ Now we're at Cronberg,” said Sterner; “ there is Falkenstein above us. Here we have to crawl up slowly and look out. It will hardly do to discuss legal points.”

Facing south, bathed in sun, lies the Falkenstein establishment on the side of the Taunus mountains;

a large well-arranged sanatorium for tuberculosis. Side by side in the spacious open-air corridors the patients lie with their thermometers by them, quietly hoping, occupied only in registering their fever and noting the improvement that is promised them and that comes so infinitely slowly.

When a stranger chances to visit the place and walks erect and sunburnt between the rows of patients, their great, moist eyes are turned upon him as though with displeasure. He feels like an intruder; his health is an insult to this place, dedicated to suffering. Involuntarily he walks with noiseless tread, speaks in a hushed voice, as though he were on forbidden ground.

And while the sun streams over the wooded heights, over the valley with its roads and water-courses, he feels the deep-drawn sigh of sickness rising from the silent wards, where anxious, careful mothers sit nursing by the bedside of imprisoned youth.

Mrs. Saarbrücken's mother sat here in one of the wards, which was jokingly called the "Monkey-house," from a stuffed ape that was there. Her son John lay in a long basket-chair, gradually sinking. But the doctor, the chief of the establishment, still gave a little hope.

Lizzie was staying with her mother at a little hotel opposite the sanatorium. She spent the greater part of the day with her brother. Here no one cared about her husband's fate; each was occupied exclusively

with his own misfortune. Here she could find peace.

Sterner's sister, the wife of Dr. Immermann, was kind to her. Between the brother and sister there was no complete confidence, and Immermann personally disliked his brother-in-law. He had a natural antipathy for lawyers, he said; the name itself was enough to drive him away.

But his wife, who with a woman's tact had guessed her brother's state of mind, did what she could to treat Lizzie with kindness.

There was no doubt that Mrs. Saarbrücken was in love with Fritz. His sister knew that there had been something between them; she had made an attempt to talk to Mrs. Gross about it, but the old lady was so taken up by her son's illness that she had no mind for anything else. Nor would she have told it.

Sterner himself had been to see Lizzie, his sister knew that, and that she avoided him told her better than words how things stood between them. Sterner himself did not answer his sister's questions, but she knew that he had held a preliminary examination of Mrs. Saarbrücken, and that after it she had been even more silent than before, more unapproachable even for the kindest words. She knew that Lizzie wished him to retire from the case. It was from pity, perhaps also from a certain shy feeling of horror at the fate that threatened the man who for three years had been her husband.

But when Mrs. Immermann brought Lizzie her

brother's message that he and the English lawyer had come to Falkenstein, Lizzie was unable to conceal her joy. It had been agreed that they should meet at Dr. Immermann's, and thither Sterner guided his car.

Lizzie received her visitors in Dr. Immermann's drawing-room. The conversation was carried on in English, which she spoke excellently; and thanks to the practical English custom of using the same pronoun, *you*, in intimate as in formal address—whereas the German uses *Du* to those who are nearest to him and *Sie* in ordinary conversation—Sterner was able to avoid disclosing to the English lawyer how well he knew the handsome lady, without being compelled to use the stiff third person plural which in his position he would otherwise have had to do.

"Sir Longland Hearne has come to talk about the question of the legacy," he said; "he and I are old acquaintances, and you can have full confidence in him."

And Sir Longland Hearne began, in a solemn tone, as is fitting when speaking to a *bereaved* person, to enlarge upon his responsible duties. Without actually quoting the civil statute-book, he nevertheless knew how to throw such a colour of learning and technical knowledge into his speech that it remained in all essentials perfectly incomprehensible to Lizzie.

Sterner had to translate it into ordinary language; he did so briefly and very clearly, but it was evident that the question of money did not interest Lizzie in the least.

"There is another question which we must touch upon now," Sterner continued. "You wished to get a divorce from your husband; I know that Lord Faringdon did what he could for you in this matter. I know, too, that he had almost accomplished his end. You stated in your evidence at the inquiry that it was to see him you returned to Homburg that evening. I did not want to go further into the question at your examination, but here there is no consideration of publicity to hold me back. I know that Lord Faringdon had obtained Saarbrücken's promise of consent to the divorce, and I believe that was the reason of Saarbrücken's committing the crime on that particular evening."

Lizzie shuddered.

Sir Longland looked sharply at Sterner. "You think, then, that Saarbrücken is the murderer?—I beg your pardon, madam, but after Mr. Sterner's words you will understand the question. You think, then, that this was the cause of his lordship's death?"

"Not exactly that. Saarbrücken had many reasons for acting as he did. But that the deed was accomplished on that particular evening, I believe to be due to the circumstance I have alluded to. Mrs. Saarbrücken must now be divorced from her husband. That is easily done, and it is my intention to offer her my assistance to this end."

"It cannot be," said Lizzie, more resolutely than was her wont. "I cannot believe that Hel—that Saarbrücken is guilty. And now, when all are against

him, I will not desert him. Later,—later we can talk about it."

Sir Longland shook his head. "It does not seem to me either, Dr. Sterner, that you in your position of examining magistrate can undertake any kind of legal work for Mrs. Saarbrücken, least of all of this kind. Perhaps you will consider it an intrusion on my part to say so, but I really think you cannot do it. In England such a thing would be impossible, absolutely impossible."

"Conditions are somewhat different here in Germany," said Sterner nervously. "And besides, who knows if the court, when the prosecution has been decided upon, will entrust me with the investigation of the case?"

Lizzie seized this.

"Then you will retire," she said warmly.

Sterner shook his head.

"If I am ordered to continue the investigation, I shall continue it. Yes, I have even made up my mind to use all my influence to prevent its being given to anyone else. I want to see this case through."

Lizzie's eyes dropped.

Sir Longland interposed. "I too think it would be best for you to complete what you have begun so excellently that I must compliment you highly upon it. You understand, dear Mrs. Saarbrücken, that however terrible it may be for you personally, everyone must wish to see this case carried through and justice done."

"Saarbrücken is innocent," said Lizzie firmly; "and if with all the money Cecil has left me I could buy his freedom, I would do so."

Sterner frowned.

"That only shows that you do not know the case and that you lack confidence in me. Both things I excuse you. But if you wish to postpone the negotiations for divorce until the trial is over, then let it be so. I foresee that it will end in a terrible sentence upon your husband, and then your marriage will be dissolved of itself. Yes, I must say that, even if it makes you shudder. It is the truth, and it is our duty as men to look the truth in the face."

Sir Longland Hearne did not feel at all comfortable. He thought Sterner had very little tact. Good heavens! the man was after all Mrs. Saarbrücken's husband. He moved uneasily in his chair and wanted to get out of it all with the very reasonable admission that it would be a long time before they got so far as to enable him to decide to whom the legacy was to be paid.

Mrs. Immermann came to the rescue in time and interrupted this painful conversation by offering her guests coffee, and though Sir Longland Hearne heartily detested this beverage he courteously accepted the offer.

It so happened that Sterner and Lizzie were left alone.

"Then you won't give up this case?" she asked again, with tears in her voice.

"No," replied Sterner.

"Then you are quite sure he is guilty?" she asked.

"I am," he answered slowly and conclusively. "I leave the circumstantial evidence out of the question. Everything can be used against a man who is accused, but the things that confirm my suspicion are the facts that do not appear and can only be judged by you and me."

"What do you mean?" she asked, looking at him intently.

"It is now three months since you asked him to give you your freedom. You know he was quite willing, and it only depended on formalities. Then came his yachting at Cowes and his long visit to Faringdon. When he returned from England he would not hear a word of the divorce. Lord Faringdon had told him of the will over their wine."

"Do you know that?"

"Yes, Sir Longland Hearne has told me; Faringdon regretted it and on that account wanted to alter the will—you know, he never intended to leave it all to you; it was all a joke. Hearne dissuaded him from altering what had once been settled. I believe it was out of kindness for your mother and me, however strange that may sound. Then Saarbrücken began to hatch the plot he has now carried out. He's a used-up, broken man and a coward. You know yourself that he is what is called a good fellow—dissipated, and self-indulgent, but apparently good-hearted; a jovial companion, silly as long as things go well with

him, but as soon as he is deprived of the means of providing for the pleasures that have become a necessity to him, absolutely without any moral restraint whatever. He is a big, low bully, of the type that peoples the dangerous quarters of our towns."

Lizzie blushed. "You hate him——"

"No," interrupted Sterner warmly; "I don't hate him. I was deeply grieved when you lacked confidence in me. Your love ought to have been so strong that you could have waited."

"Fritz," she said hotly; "don't let us talk about that!"

"As you please. I didn't hate him: I pitied you. And when I saw him at close quarters I could not understand how a delicate, charming creature like you could live with such a bandit."

Lizzie shuddered.

"Bandit is just the word for him. Oh, how well I know these rich men's sons! Spoiled from childhood, ruined before they are grown up, they loaf about as sportsmen with a string of hangers-on who put up with their brutal manners and spend their money for them. Easy-going, good-hearted louts, with no other object in life than drinking and killing time. Then they tumble into business, get married, make their wives unhappy, get divorced, come to the end of their fortune, and end as swindlers or worse—murderer, in this case. These great good-hearted boys, that are not worth a rope to hang them! Germany is full of them. The type is wholly German.

And such a man is your husband. Let us get rid of him, Lizzie. I *can* do it, and I *will* do it!"

She kept her eyes fixed on the ground in deep shame. "No — not that!" she whispered, shuddering.

"False compassion! How many more people shall this fellow ruin before he is called to account? Good Lord, so much that is good and noble comes to grief without anyone holding out a helping hand, but a poisonous fungus like this *everyone* will spare! It's idiotic! Root it out—it's full of poison!"

Lizzie listened to him in silence; then she raised her great, deep eyes and said:

"I know quite well, Fritz, that with you my wishes have no weight. I do not wish to talk about what is done with.—No—no—I will not. But, oh! I thought I could forgive you everything—and now I feel that if you do *this*, I shall never forgive you."

She turned rapidly and left the room to join the others.

When Dr. Sterner soon afterwards drove the learned English lawyer back to Homburg on his car, the latter wondered at his legal discourse meeting with no contradiction. He put it down to the fact that he understood German law thoroughly—he had studied for two years at Heidelberg.

And that made him feel proud.

CHAPTER SEVEN

SIR LONGLAND HEARNE was exceedingly pleased with his new client. He gave up his plan of going straight home and was altogether in such an amiable mood that he sent his card by a waiter to Mr. Tunstaple Wells, solicitor, in No. 55.

Mr. Wells, who had been seeing Frankfort to some purpose, could hardly believe his eyes, which blinked a good deal after the exertions of the day before, and gave audience as became a radical, a genuine democrat, who by the irony of fate found himself representing a lord.

Sir Longland was immensely affable; he took his seat in an armchair and crossed his legs with an air of easy familiarity.

"My dear colleague, I was not very communicative on the journey."

Mr. Wells gave a grunt.

"The reason was that I was afraid our interests might come in collision; and, as you know, I dislike talking about a case until I know how it stands. Now I know that everything is in order. I have spoken to Mrs. Saarbrücken, a charming

lady, who has accepted the helping hand I offered her."

"Helping hand, you greedy blood-sucker, why, you'd skin her alive!" was Mr. Wells' mental comment, but outwardly he preserved a friendly smile.

Sir Longland continued: "I beg you to give my respects to Lord Faringdon and tell him that we—Mrs. Saarbrücken and myself—are ready at all times to meet every reasonable wish of his lordship's with regard to the settlement of affairs."

"Isn't the lady's husband arrested for murder?" asked Mr. Wells bluntly—it was the democrat uppermost.

Sir Longland smiled indulgently: "Mrs. Saarbrücken is unfortunate, but there is no one who would venture to suspect *her*. Of that I am convinced."

"And why, Sir Longland?"

"Because I know that his lordship's affairs are in the hands of a sensible man who will not do anything foolish. Am I not right, Mr. Wells?"

Mr. Wells stuck his hands deep into his pockets and thrust out his stomach. Mr. Wells was rather corpulent than the reverse—a decided mistake; in litigation the thin ones always come off best. That is proved by experience.

He growled: "What if I apply to have the lady's case investigated?"

Sir Longland gave another indulgent smile: "That is the public prosecutor's affair, my dear sir. The procedure here is different, you know."

"Thank you," answered the democrat; "I studied two years at Heidelberg."

"So much the better; then you know all about it. It would be no use. Besides, the question of the inheritance will be decided according to English law; the testator's intentions will determine the court, the papers are at my office in London, and I am very well satisfied with the *status quo*. My client has applied for a divorce, and even if her husband should be proved innocent—as to which I know nothing at all—that will hardly make her change her mind. Dr. Sterner, the magistrate, has her complete confidence, as he has mine, and he will see her through."

"And her husband, too," interjected Mr. Wells. "Only the husband has to make a little digression past the scaffold into penal servitude."

"That is more than any of us can tell," said Sir Longland, with a pious expression.

"Do you think the man is guilty?" asked Mr. Wells with a sly wink in his eye.

Sir Longland thought nothing; he only trusted that the never-failing powers would clear the matter up.

Mr. Wells became strongly persuaded that things were far worse for Saarbrücken than either Rosenthal or Schaltz supposed, and at the same time his dislike of Sterner was redoubled.

"Do you think I ought to go and see the magistrate?" he asked.

"I think so," said Sir Longland very kindly. Thereupon he invited Mr. Wells to lunch, which the

democrat accepted, after making the very sage reflection that to be seen lunching with such a celebrated man as Sir Longland Hearne could do him no harm in a place where three-fifths of the visitors were English. For he had to remember that he himself was now a peer's lawyer, though the peer represented was one of the lesser lights.

At lunch he was introduced to Dr. Sterner, who treated him with marked courtesy, making him feel rather ill at ease.

Very little was said about the Faringdon case. The magistrate did not expect to be charged with the further examination, and said he was very glad of it.

Mr. Wells decided to keep his eye on these two bigwigs, and it became clear to him that, whether the alliance with Rosenthal were the surest way to success or not, it was anyhow the only course open to him.

CHAPTER EIGHT

DURING these two days the examination of witnesses went on. No new evidence of importance was brought to light, but Sterner continued laying more and more stress on everything that made against Saarbrücken, and the latter took refuge in silence and obstinacy. Rosenthal on his side was working to get the case put into other hands, and trying to persuade the President of the assize-court to appoint a new magistrate, Dr. Braun, to replace Sterner.

There was one point of importance. Everyone knew that Sterner had shown the wife of the accused great consideration; Rosenthal guessed that there was something between them, but beyond that he could not go. With a barrister's power of seeing the case from his own point of view alone, he had succeeded in attaining to complete faith in Saarbrücken. But he felt that it was no more than faith. Towards Sterner he was very unfavourably disposed. Now he had the right, as duly recognised counsel for the defence, to see the prisoner without hindrance, and he used this right in the widest sense.

Rosenthal, then, was sitting in the prisoner's cell,

talking to Saarbrücken, who was dull and tired, but seemed to take things calmly, as a man accepts the inevitable. They were discussing the alibi.

"My dear friend," said Rosenthal, "what you are doing is madness. I can understand your refusing to answer the magistrate, who is no friend of yours. But to me you must tell all. And you must know that I have the right to conceal anything you do not wish disclosed,—indeed I am obliged to do so. Tell me, then, where were you that evening between 12.20 and 1.30?"

"Mr. Rosenthal," said Saarbrücken, "I cannot tell you. A lady's honour is at stake. Even to save my neck, I will not say a word that might compromise her."

This produced an impression on Rosenthal. He was himself a gallant man, a little naïve on this point, where real ladies were concerned, but at the same time inquisitive.

"You may be quite easy about telling me," he said in a rather low voice. "I give you my word as a lawyer, more than that, as a man of honour, never to breathe a word of it until you give your consent."

"That I shall never do," said Saarbrücken decidedly.

"Very well," was the answer; "then no one will ever hear it; but I must know it."

Then Saarbrücken spoke.

"There is a lady concerned, a perfect lady."

"Ah," said the advocate. At that moment he envied the prisoner.

"This lady," continued Saarbrücken, "as to whose virtue no one has any doubt, had conceived a strong . . . predilection for me. It was all innocent, entirely innocent, but her husband was inordinately jealous. Well, yielding to my earnest entreaties, she at last consented to meet me, on the very evening in question, at one o'clock, at a place we both knew, a pavilion in the Park. I went there, we met—for the first and last time. Next day she left. I neither can nor will throw any shadow on this spotless lady's honour, or expose her to her husband's wrath, the consequences of which no one can foresee. You must be able to understand that."

Rosenthal understood. He also felt some admiration for his client, and it did not even occur to him that this alibi was worth very little. But it did not occur to him either to investigate this matter more closely, so natural did the whole thing appear to him, so correct did he consider Saarbrücken's conduct.

This man was innocent!

The second important question was that of Saarbrücken's relations with his wife.

Rosenthal asked questions, and Saarbrücken replied.

"There must have been an old friendship between my wife and Lord Faringdon. I have never been able to find out anything about it. Lizzie is silent and never speaks of old days. I don't ask questions; I

trusted her. Marriage has not brought us any nearer to each other, on the contrary, it has separated us. There has been talk of a divorce, and I am convinced that Lizzie was fond of Faringdon and wanted to marry him. I see very well that this circumstance makes against me. I am getting used to finding all the points against me. . . ."

Rosenthal interrupted:

"And you were opposed to the divorce?"

"Absolutely," said Saarbrücken. "I knew Faringdon, and I would not trust Lizzie to him, even if other circumstances might induce me to consent to the dissolution of our marriage. Besides, Lizzie was not honest with me. And that is the awful part of my fate. I feel that this man, who now holds my destiny in his hand—this cold, hateful magistrate, Sterner—was my wife's confidant in this matter."

"Ah," exclaimed Rosenthal. "That's something. How did those two come to know each other?"

"I don't know," said Saarbrücken; "I only know that my wife's mother is at present staying at Dettweiler's Sanatorium at Falkenstein, where my wife's brother is a patient, and that one of the doctors there is married to Sterner's sister. She has met Sterner there, but I am sure she met him long before I knew her. You see, they both come from Kiel."

Rosenthal wished to investigate this more closely, and he determined to use the alliance with Mr. Wells to collect everything he could which might throw light on this side of the case.

“Keep your spirits up,” he said, as he gave Saarbrücken his hand. “Your defence is in my hands; treat this as the inevitable thing it is, and trust in me.”

Saarbrücken bowed his head and said nothing.

Rosenthal then left him.

CHAPTER NINE

DR. STERNER in the course of these few days had considerably increased the material for the prosecution. He held examinations with restless energy, ascertained one fact after another and with a sure hand turned them all against Saarbrücken, so that it was taken for granted in common talk, as well as in the newspapers and telegrams, that Lord Faringdon's murderer had been caught, and that, thanks to the magistrate's penetration and perseverance, the case had been sifted both rapidly and energetically. Saarbrücken's relations were as though paralysed; and it so happened that just at this time old Saarbrücken was struck down by an attack of apoplexy, which soon made an end of his life. His son, who succeeded to the old-established business in Hamburg, had become involved before his father's death in wild speculations, and soon after the news of Helmuth Saarbrücken's arrest and the old man's death, came tidings of a crash which put an end for ever to the house of Saarbrücken. This was another inducement for Rosenthal to make more sure of the alliance with the Lakings of Roxley; but Mr. Wells had been rather more communicative than necessary,

and it could not be avoided that Sir Longland Hearne came to hear of the campaign designed in a certain quarter against the wife of the prisoner Saarbrücken, with a view to casting suspicion upon her! Presages and premonitory symptoms of this campaign might be read in certain papers which stood in connection with the powerful financial family of Rosenthal, and Sterner was not ignorant of it, when Sir Longland Hearne let fall some words about it. Nor did Sterner place any confidence in Schaltz; he had seen that the policeman, whose conduct was otherwise so correct, held more communication than was seemly with Isidor Rosenthal; and though this in itself could not be called incorrect, since the counsel for the defence occupied an official position, still Sterner decided to remove Schaltz little by little from the very important and confidential position in the case to which his seniority entitled him, and which he had occupied from the beginning. This intention did not escape Schaltz, and it acted as a further inducement to him to take the side of the defence. But a greater anxiety than this to Sterner was the wife of the accused. It was his duty to protect her; and while he himself carefully kept her name and her doings out of the documents of the case, he had also the task of counteracting all the suspicion that the other side tried to spread about her, and not only to counteract it, but to annihilate once for all every shadow of suspicion. The best person to aid him in this was herself, and it was very natural that he should seek her help.

His days were fully occupied, but his evenings were his own, and only two days after the visit he and Hearne had paid to Falkenstein, he went out there again, this time to talk to her and learn what she thought and what she wished.

He understood quite well that she refused to think of her husband as a murderer. He understood too that she was just the woman to consider it desertion and treachery if she were to proceed with the divorce case while her husband was under arrest for murder. But he thought that, now the ice was broken between them he would be able by his personal influence to make her change her mind and win her over completely to abandon the cause of Saarbrücken.

He went to see her at her home—she received him, as usual, with some embarrassment, though with far more confidence than the last time they met.

He began at once to speak of the divorce and told her openly that he was not unacquainted with this affair, even before the murder. He knew Lord Faringdon, and the latter, who was a talkative person, had confided this very question to Sterner. More than that even; the negotiations Lord Faringdon had conducted with Lizzie, the steps he had taken with regard to Saarbrücken in this matter, were the results of consultations with Sterner.

Lizzie blushed when she learned this, but Sterner treated these matters in such a calm and business-like way that Lizzie was gradually won over by his quiet

tone and began to discuss the question with him as with a friend.

Sterner could feel that he had gained ground, and this gave him courage to propose directly what she had refused to listen to at their last meeting.

But here he met with determined opposition.

Armed with all the knowledge he had acquired as magistrate, he directed his attack upon Saarbrücken, exposed the shamefulness of his motives, the baseness of his whole conduct, and called him straight out a cowardly murderer.

But Lizzie shook her head and would not believe it.

"But you don't know how the murder was committed," she said.

"No and yes," answered Sterner. "I am an examining magistrate of some experience; you know I have been expert at it since I was quite young. You know I have always affirmed that it is an art which requires talent, like anything else outside the ordinary run. You yourself have often teased me about this vanity of mine, as you called it."

Lizzie smiled, and Sterner could see that his words called up memories in her. This warmed him, he thought, as it must warm her. The bygone days were no longer a bitter memory; without their speaking of what had passed between them, the miracle had happened, which happens to men and women as to the plants in spring, when they seem to have died in the cold of winter. Little buds appear and shoot into

leaves—wonderfully luxuriant in the sun's warmth; what appeared to be dead comes to life. Sterner's voice grew warmer, his eyes dwelt on the face he knew so well, and all the past rose again within him, prompting his words and giving his voice a new sound.

"This talent, then, I believe I possess. I am able, from every little circumstance, from the words of witnesses, from former experiences, to build up an edifice; an edifice which, no doubt, is my own, but which at the same time corresponds pretty closely with what has actually happened."

Lizzie leaned back and smiled to herself as she listened.

"But in order to do this one must be quite sure of one's materials; one must know what there *is*, and what is made of it in the building. Facts are the timber, facts are the nails, but the completed work is due to the builder's intelligence.—Well, I have told you all this so often, you know—long ago."

Lizzie's face became suddenly serious.

Sterner continued: "Therefore I will give you the picture of this deed as I see it in the edifice I have built up, and then, if you wish, you may try to show me where in my work of construction I have made use of material which is not taken from the storehouse of fact."

"I know nothing about all this," she said.

"Yes, you do—and when I have spoken I want to hear what you have to say. But first you must listen to me.

“It is a summer night, about half-past twelve. You know the place, it is the Curhaus Park at Hom-burg, by the cross-roads in front of the great clump of rhododendrons. A man stands waiting, ambushed behind the shrubbery. He is nervous, restless, he keeps an eye on the cross-roads; he has carefully chosen the place so that he can see a long way. At night a man on the look-out can see further than one who is going carelessly along the road. He looks at his watch, and although it is dark, yet the summer night is clear enough to enable him to see the position of the hands by the twinkling light of the stars. For he knows that the man he is waiting for will come at a certain hour. He has no fear of his not coming, for what brings the other to the spot is the expectation of meeting a woman. The other is a miserable fool, and this assignation is an empty whim, but he lives for nothing but his empty whims, he is rich and has no occupation, nothing to take up his thoughts, if indeed he have any thoughts beyond purely instinctive nerve-action. The man who is waiting knows that he will come. He himself has told him to come to this spot; he has been his messenger to this woman, their go-between, and therefore his anxiety is due more to the fear of some one else chancing to appear than of his victim failing him.”

“How do you know all this?” asked Lizzie in a husky voice.

“I know it,” said Sterner—“but you must not interrupt me. He stands there because he desires an-

other's death. His own miserable prosperity is at stake—the means of continuing an existence to which idleness and dissipation have brought him; an existence he will not abandon, but which he will be obliged to abandon, because the only thing that can keep his head above water is gold easily come-by—his own he has wasted long ago. The man he is waiting for was his friend; he abused his friendship, as he abused everything he came across; he got into debt to this friend, and when the friend, in a capricious mood, as was his wont, claimed his own again—claimed it, not because he needed it, but because the other had refused to set his wife at liberty and the friend had a kindly feeling for the wife and was anxious to do her a service—then he decided that his friend should die. You know that this is the truth. You know that on that very day he had given a promise, a promise that he never had any intention of keeping, since the death of his friend would not only free him of a creditor, but at the same time, through his marriage with the woman you know—would make *him* the owner of his friend's great fortune.

“It was such a plan as can be conceived by a brain that is demoralised by drink and dissipation, conceived by a man who has lost his better self in idleness and no longer has the power of opposing wholesome ideas to the criminal instincts that grow in all of us from the instinct of self-preservation, and most luxuriantly where this has become egoism.

"It was a plan that was not the result of long deliberation, but the last resort of a weak character, formed at short notice and carried out before miserable fear had deprived it of its power, before the wine-soaked brain had become clear again.—And this plan was carried out. A chance circumstance, a passer-by, a carriage, a delay or a casual meeting might have hindered it. But the powers above did not interfere. Along the road which he was watching came his friend, rapidly, full of expectations of the meeting, a little anxious, a little uncertain, but occupied only by the one idea—he has brought me a message from her that she will expect me there.

"Then the assassin retires into the bushes—the other does not see him. Had he seen him, perhaps the deed would have been averted, for the assassin is a coward; but he is only on the watch for her, and as he goes past the little dagger gleams out from the bushes.

"A murder has been committed.

"Now all is changed from what it was a moment ago; an accomplished fact has appeared from the chaos of possibilities, born of accidents, but now become a definite thing, a thing that will set its mark upon human actions and human destinies. The assassin glances about him, and now he acts instinctively, rapidly, because the chance that before might have prevented his deed, a passer-by or a carriage, would now deliver him as a murderer into the hands of justice. He flings the body into the bushes and goes.

"He sees that a woman is approaching on the

road on the other side of the shrubbery; he does not look up, but hurries on with bowed head, not straight home by the nearest way, but round by circuitous paths so as to put time between his deed and the moment when he must speak to his fellow-men once more.

"That is how the murder of Cecil Laking was committed, and he who murdered him was Helmuth Saarbrücken!"

Sterner ceased speaking.

Lizzie sat gazing before her; her cheeks were burning, her eyes were fixed on empty space, as though she were trying to picture to herself the scene he had just described in words.

Sterner dropped into a lighter tone.

"In the old days you used to call me a poet of crime—don't you remember? Well, perhaps you were right. And now, with your bright, clear eyes, you must see and point out to me where I have let what you call my lyrical sense carry me away from the solid earth into the clouds—where poets soar."

She looked at him, and a tone of sadness came into her voice.

"My bright eyes, Fritz, are darkened—and I cannot see clearly any more—sorrow has spread a cloud before my eyes. Oh, how much, how much is changed since we last talked together as we are talking this evening!"

Sterner bowed his head; then looked up with a sharp, rapid glance.

"Try, Lizzie—you begged me to spare him, you begged me to stand aside; very well, I am going to give you a chance. Tear up the picture I have drawn for you, tear it to tatters; show me that in building up my edifice I have used materials that were not brought from what I called the store-house of fact,—or if you cannot do that, then let me pull the edifice to pieces bit by bit, and show you step by step where I have found the facts that made it."

She nodded.

"The place is certain enough," Sterner went on. "They found the body there, it cannot have been brought there from another place. It has not been dragged along, the clothes prove that. The marks of blood on the clothes, the position of the body, everything, in short, bears witness that what took place was only a sudden jerk, a throw, not a long and difficult dragging. With this in view, I have instituted far-reaching investigations, and the doctors agree with me on this point. The traces found on the grass-border are also clearly in favour of this conclusion. There are a few deep marks, deep prints of a man's feet, and no blood—this question admits of no doubt.

"Nor is there any doubt about the weapon used, or the way it was used, how the blow was struck—all these points were fully ascertained at the post-mortem examination.

"As to Lord Faringdon's person there is no doubt either; and that he went to an assignation I know."

She interrupted: "You know that?"

"Yes," said Sterner; "I know it. He told me that himself; he told me himself that Saarbrücken was his go-between with the woman he was to meet, or thought he was going to meet."

"Who was it?" asked Lizzie.

"I don't know—these rakes and idlers are so chivalrous, you see. A lady's name! It is sacrilege to mention it, but it is quite gentlemanly conduct to violate the rights of matrimony or to practise deception on another man. They have their own code, these noblemen, their code of honour, as they call it."

"And you have no idea who it was?"

Sterner shrugged his shoulders. "There are plenty of women who would meet a man like that. Here in this society of useless drones the amusement they call flirtation flourishes; here pleasure-seeking men and women assemble from all parts of Europe to lead what is called fashionable life—the life out of which the industrious people of Homburg get their living and which they would not see done away with for anything, because it is what supports them. How do you expect me to be able to pick out from among all these commonplace, over-dressed women the one whose name was made use of that evening—for we cannot even be sure that she thought for a moment of going any further than what she would have considered innocent flirtation. And Lord Faringdon's code of honour, which forbade him to mention her name, must also have forbidden him to let anyone but his pander know what there was between them.

On this point Saarbrücken alone can furnish information; I have tried to make him speak, but he is silent—perhaps because his code of honour is the same as that of his murdered friend. On these matters we *bourgeoise* people have much to learn.”

“But if you knew this, you must have spoken to Cecil on the very day—perhaps on the very evening.”

Sterner frowned. “Keep me outside it, Lizzie. I could tell you more if I wished, but I know that you will ‘fight’ to save him—you have told me so yourself. People often fight for things that are worth unspeakably little. Therefore I cannot take you wholly into my confidence. . . .”

“I do not wish to be importunate,” she said curtly. “It was you who came to me, not I who came to you.”

“Lizzie,” he said warningly, “you are not speaking like yourself. But you must understand me. I want to give you an opportunity of saying all that a good woman, whose mind is pure, can say about what I told you. On the points I have mentioned at present you have nothing to say. It is a question now of how much I know. I know, for one thing, that Saarbrücken was seen that evening at that spot. It was not I that saw him. It was a witness, a woman named Nathalia Stolzi, who was in service at the cottage near the scene of the murder, who states that she saw him.—I might have doubted that; I never trust implicitly to what others have seen; I know that unfortunately witnesses are often mistaken. But since I

know that Lord Faringdon had received from Saarbrücken a message about the assignation, which may have been for some other place along the same road—then I no longer have my doubt about his being there. *She* was not there—whether she ever had any intention of being there I don't know, since I don't know who *she* is. But this point too I have tried to clear up—and have not succeeded."

"Then you have no idea who this woman is?"

"No," said Sterner. "My first thought was of the Italian lady who was living at the cottage. It seemed the more probable as she and her husband left the day after the murder. If they had been there I should certainly have examined them both, and her in particular I should have cross-examined very thoroughly. They have gone away, I don't know where; I have made enquiries about them in the town they live in, and this very day have received such information that I do not care to set in motion all the machinery of the law to have them found. But my—I can't call it suspicion, but let me say curiosity has not for that reason been lulled to sleep. I shall do what I am able to find out what there is to find out. But this is an unimportant point; the whole thing was only a pretext. I cannot use the name of these people, if for no other reason than because I believe it to be of no importance to the question that has to be decided here: the question of Saarbrücken, the perpetrator of the deed.

"The inner facts, his motives, you know as well

as I do; and it is not worth while now to dwell upon the smaller outward facts. The picture is burnt in upon my brain, I can tell you—speak if you wish. I don't believe you can erase its letters of fire."

Sterner ceased, and Lizzie shook her head.

"And yet, in spite of all this, you really know nothing," she said. "So much may have happened that you cannot guess, that you have no idea of; and so much may have happened differently—it is impossible for you to follow it all. You were not there—you have seen nothing."

Sterner smiled.

"Is that all, Lizzie? Can't you find any objection at all to make, can't you attack my conclusions on a single point? This is much too easy a victory for me. And you were saying that you would 'fight' to save him!"

She raised her head and looked at him with the pure, frank eyes he knew so well.

"I know very well that I don't know people's thoughts, and especially their evil thoughts, as you do. Still, I know this man—no, you mustn't frown—he is my husband. It is true that I have wished to be freed from my marriage tie, that I still wish to be freed, as soon as he is out of danger. It is true that he has acted disgracefully towards me, more disgracefully perhaps than I am aware of. You were right in what you said when we met this evening. But I too am to blame, I married him without affection—I did not love Helmuth Saarbrücken when . . ."

She stopped suddenly.

Sterner said nothing, but his eyes were fixed on her, and she lowered hers.

She spoke again, rather breathlessly, rather rapidly, as though she were trying to cover her confusion by saying something.

"You must admit that you know nothing, that you bear a grudge against him, that you are not, as a judge should be, impartial and outside the whole affair."

Sterner interrupted her:

"For the sake of my duties, for the sake of my call—and to me it is a call—I have sacrificed more than you can guess. You have no right to say to me that I am not as a judge should be. I am. I am not speaking of my feelings towards this man. I feel nothing, not even disgust, much less a grudge or hatred. He is in my hand, and I can convict him. Nothing can save him if I take up this case; I know that. And you want me to let it go. You have claims upon me, claims which I can never wholly satisfy, because I have done you wrong. As your friend—as more than your friend, I will do everything in my power for you. But you must not ask me to shirk my duty."

"Duty!" she interposed. "I am not talking of your duty. You say yourself that you can retire from the case; but if you can retire, then it cannot be your duty to remain in it. . . ."

"Even if your future, your happiness were at

stake, Lizzie, Saarbrücken is not the only one concerned in this case; it concerns you too. Your name, your pure, innocent self shall not be dragged into all the foulness and misery that clings like a slimy weed to such a deed. Lizzie, you shall not be dragged into this filthy tangle before the gaping, inquisitive crowd. I can stop that, and I alone. I will protect you from yourself. I will force this wretch to his knees, I will wring from him the confession of his cowardly deed, that with one word will clear up the case and make it short. Can't you see that all the slimy octopus-arms that stretch themselves out from such a case as this have been seeking for you to drag you into it? You, the heiress to the murdered man's money, you who have never given money a thought for your own sake—you, who have always lived for others. And then, Lizzie—I myself!"

She raised her head: "You?"

"Yes, I.—Why do you think I have come out here in the past week, since you have been here? Why have I sought you, who avoided me, not because you were angry with me, but because you . . ."

She stood up.

"Fritz," she said, "not a word of that now."

"As you will," said he. "But to protect you I shall keep a firm hold on this case; nothing shall happen but what I will; and the others, Rosenthal and the hungry Englishman, shall have no chance of founding their defence of the miscreant on an attack upon you."

"How do you know—?" she asked.

"That they will do that? I know it from Hearne. Hearne is a clever man, he talks a lot of law, but less gossip than the other, the plebeian Wells; but nevertheless he hears a good deal. No, before the decision as to who shall conduct the investigation, while the case is still fresh, it shall be settled—and settled by me."

"And you won't promise me to retire?"

She looked at him beseechingly.

"You won't promise me, when I, who never expected to have to ask you anything, beg you so imploringly?"

"Yes, Lizzie," he said, "I will retire the moment I feel myself that I am not the right man to conduct the case. I promise you that—at that moment I shall retire. But you must not expect it to happen, nor must you hope for it, if you have . . . friendship for me."

She said nothing.

Sterner rose. "It is late," he said; "and I have a lot of things to see to."

She made no attempt to detain him.

CHAPTER TEN

THE examination of the prisoner Saarbrücken which Dr. Sterner held the day after his visit to Cronberg will long be remembered in the legal annals of the good town of Homburg. The advocate Rosenthal was summoned, but did not appear; however, he had instructed police-commissary Schaltz to be there and to take in everything.

Schaltz was present in his official capacity; he sat in the assistant's high-backed chair, motionless, stiff and straight as a figure on the base of a Kaiser Wilhelm monument.

It was an examination that lasted for eighteen hours!

Sterner went through the case from the beginning, point by point. Saarbrücken received permission to sit down, was removed while some chance witnesses were heard, was brought back again and listened to the reading of their evidence.

Evening came.

Then, after a short pause during which he took a few mouthfuls of food, Sterner began the regular examination. And it was this that made Schaltz shudder.

Sterner, as usual, was calm, taciturn, and his eyes shown through his glasses, stern and cold; but that evening a slight flush burned in his cheeks, and his hand shook a little when he wrote a chance word or sentence on the paper that lay before him.

Sterner would overcome Saarbrücken's opposition; he leaned back in his chair, while his cold eyes searched the face of the prisoner standing before him.

Saarbrücken *stood*.

Schaltz felt that the struggle was unequal. Before the magistrate stood this tall man, not yet accustomed to the atmosphere and life of prison, but cowed by detention under iron rules and strict discipline. The spoilt rich man's son placed where life's sunshine never is seen, where it is cold and the soul shudders. He was pale, his eyes blinked uneasily, his voice sounded low like a muted violin. It seemed as though he had only the one word No left, and yet it was his enemy's object to force another—Yes—from his lips.

There sat Sterner, throned in his authority, lord of life and death—*free* to adjourn when he wished, free to go where he liked, armed by the might of his office, sure of his case, certain that the path he was following was the right one, firmly determined not to leave off before the No was turned into a Yes.

His will strained his muscles, he caught every accent, every quiver of the prisoner's voice. This man must be able to see into his victim's brain, to see where the Yes and the No were fighting in the last struggle to save his life—a life that now consisted of days of

disconsolate inactivity and nights of sleepless unrest between naked walls behind prison gratings.

Did Sterner then believe that this man was the murderer?

Schaltz shuddered.

Sterner gathered himself for the great effort; he would ride down suspicion, like a knight in clanking armour brandishing the sword of justice.

He spoke shortly and was sparing of words. It was the same thing as before: circumstance linked to circumstance, a firm edifice built up of clear thought, while his eyes gleamed like steel blades. But Schaltz could see that he could not accomplish what he desired. His anger was rising. Before him stood this man, tall and powerful but sallow and dull, whose only word was No. And this No became a wall upon which every attack was shattered, beaten off again and again. It was not defiance; better if it had been, a granite wall of defiance that would strike sparks from the weapon of the assailant. But it was silence, heavy, unresisting silence, upon which no impression could be made.

Hour after hour went by, and the Town Hall clock struck its slow, hesitating strokes. Sterner's anger was rising, it grew beyond his control, enveloped him in clouds so that he no longer saw clearly. And now he could understand how judges in the old days sent for the torturer, had the prisoner stretched upon the rack while the hangmen's men turned the screws till his limbs cracked and broke, while spikes were driven

into his flesh, which was torn and slit till the blood ran over the edge of the rack upon the floor, thick, loathsome and slippery.

There must be an end to this.

Sterner's voice was thick, he no longer spoke, he whispered the words. Everything had vanished, his conclusion, all his circumstantial evidence, all his postulates. Nothing was left but this: Confess that you are Lord Faringdon's murderer.

The hours went by. At last Sterner remained silent for a quarter of an hour at a time; then he would look up and whisper, with a piercing glance into the prisoner's eyes, which wandered listlessly about the room: "Confess that you are Lord Faringdon's murderer!"

And again the hours went on.

Now it was only: Confess—will you confess? Nothing more.

Saarbrücken stood as though riveted to the floor. He no longer thought at all, he scarcely felt. He wondered himself why he did not fall to the ground, lie down on the floor. But he did not; he did nothing.

But there must be an end to it—there must be an end. And if he stood a little while longer, perhaps he would fall without being able to help it, and then they would carry him away. His life was at stake.

But he stood—he stood while the clock struck its dragging strokes hour after hour, and the whispered suggestion came again and again: Confess—confess.

Now he no longer knew what it was he had to con-

fess; all had gone from him, all the past, everything that had happened till now—it was all gone.

But the night was wearing away.

Then Sterner sprang up, sent for the gaoler and made him lead the prisoner quickly up and down the room, brutally, so as to shake the drowsiness out of him, while he himself walked backwards and forwards before the bar with uneasy haste.

It must be finished—he had given his word that it was to be the last examination.

Then he stood before Saarbrücken, as though gathered for a spring; his voice grated harshly and sharply in the silence of the room.

“I’ve had enough of this, Mr. Saarbrücken. Now I’ll make you confess. Step by step I’ve brought out the facts against you, wrung from you word by word the indications of your crime. Now I’ll have you confess. I have spoken calmly, sharply, angrily, gently and quietly. You *won’t*? You think you can oppose dull defiance to my will. You are mistaken, Saarbrücken, and I shall show you that you’re mistaken. This examination has lasted for ten hours, and you think that if only you keep silence I shall be tired out and let you go. But you’re mistaken. . . . I do not tire. I am strong and I shall stay. You are reeling with fatigue, you’re hungry, you’re thirsty. Very good. You shall reel, you shall suffer hunger and thirst, and even if you fall senseless to the ground, I shall have you supported by these men. You shall not leave this place until you have confessed your crime.

Your life is forfeited to justice. Whether you die now or later is of no importance—but you shall not leave this place until you have spoken—you hear.”

“This is torture,” Schaltz muttered between his teeth.

Saarbrücken tottered, but the gaoler stepped up and supported him, pushing him against the bar.

Sterner brought his face near the prisoner's: “Do you hear?—you shall not leave this place until you speak—or die.”

Schaltz clenched his hands till the nails entered his flesh.

But a glimmering thought rose up in Saarbrücken's head, uncertain and faint in outline.—It seemed to be bursting his brain, it made him mad; he must get rid of it, he must purchase rest.—He felt that for one single moment he must be free.

He took a step backwards—threw back his head and stepped so that it pained his knees and ankles.

“Torturer,” he exclaimed hoarsely—“torturer! Is it Lizzie who is making you hunt me to death? Take her and be damned, and leave me in peace.”

It was the first time Lizzie's name had been mentioned in any of the examination.

Sterner shrank back.

Schaltz was listening intently.

Sterner pulled himself together, turned sharply round and threw himself into the magistrate's chair.

For a few minutes there was a deep, breathless silence.

Then Sterner spoke again, quietly, in a business-like tone, but sharp as a needle.

“Do you wish this outburst added to the documents? I must point out to you that you have the right to do so. Do you wish to have added to the case all that has passed between you and your wife—to have it all told to the gaping mob? If you wish it, your wish shall be fulfilled. I have kept your wife outside this case. It depends upon you whether she is to be dragged into it or not.

“I’m quite ready to begin over again.”

Sterner picked up the documents that were lying before him on the table.

“There are women enough named in these papers. Women enough whose names throw light upon your life. There are women enough named here who throw light upon him whom you murdered, and the life you led, while she, your wife, was chained to you and could not obtain her freedom, in spite of her prayers. If your last resource is to bespatter her—very well. You shall have your will.”

Saarbrücken drew a quick, panting breath.

Sterner was sitting back in his chair and playing with his glasses.

But the atmosphere of the room was relieved—the sweat broke out upon Schaltz’s forehead and his hands unclenched themselves.

The spell was broken.

Once more it was men who were speaking.

Schaltz turned and looked at Sterner. His face

was as before, but his lips quivered, and his eyes were not so firm.

So there was a contest between these two men—a contest for a woman.

Saarbrücken spoke again—drawling a little, in a far-off tone, but clearly.

“You wish it so, not I. All this is your work, not mine; leave me in peace. I am innocent. Let the facts decide.—I—will—not—speak.”

Sterner rose—took up the papers—went to the back of the room, turned sharply and stared at Saarbrücken.

“Very well, then tell me at any rate where you were that night between 10.20 and 1.30. You have hitherto refused to answer that question. Answer it now, and I have done.”

“I shall not say,” was the brief, hoarse answer.

“You were with a mistress.”

Saarbrücken made no reply.

Sterner again stood before him, spoke right in his face, whispering, so that Schaltz scarcely heard his words.

“You enticed him to an assignation with *her*.”

Saarbrücken turned pale and tottered.

Then he said hoarsely, finding the words with difficulty: “Do what you will—my lips are closed—closed till death.”

Schaltz stared at Sterner.

The magistrate took a step back; it seemed as though his muscles were relaxed, it was as though an

entirely new resolution, an entirely new plan came upon him.

He was at that moment miles away from the scene, and it seemed as though everything became new to him.

There was deep silence in the room.

Then Sterner closed the examination and ordered the gaoler to remove the prisoner to his cell.

Schaltz stared open-mouthed at Sterner, as the latter, without saying a word, left the room with a light, rapid step.

Day was now dawning.

CHAPTER ELEVEN

DR. STERNER presented himself at the High Court and asked to see the Chief Justice. He was immediately admitted.

The tall, old judge courteously asked him to be seated; Sterner's prestige was great, his capability was universally recognised.

"I wish to speak about my position with regard to Saarbrücken's case," said Sterner. "I know that serious attempts have been made by the defence to have me removed from the position of examining magistrate in this case."

The Chief Justice hastened to protest: "Here we have always taken your part, and it is an understood thing that you and no one else shall carry the examinations to an end."

Sterner bowed. "I thank you for that mark of confidence. Perhaps it will astonish you to hear that it is precisely to give up the case that I have come. I wish to retire."

The Chief Justice gave a start.

"What! You wish to give up such a celebrated case—one that has attracted the attention of all Germany—of all Europe? a case in which you have

already distinguished yourself by collecting a mass of evidence that makes confession superfluous, that, in fact, decides the case beforehand? ”

Sterner shrugged his shoulders. “I endeavoured yesterday to add the final stone to my work; I fought for the confession and did *not* get it. On the other hand, for the first time in my career as magistrate, I heard myself called by the prisoner an interested party.”

The Chief Justice laughed. “And you let that trouble you—the cold Sterner, as you are called. If there is any magistrate to whom such a thing must be indifferent, it is you.”

“There is a grain of truth in it, and therefore I wish to withdraw. Don’t misunderstand me,—only a grain of truth. I take the deepest interest in the wife of the accused. I know her; at first I acted somewhat precipitately with regard to her. Now I know her better. She places full reliance on me. She is in need of support, and her English adviser has honoured me with his confidence.”

“And for these reasons you will desert your official duty,” said the Chief Justice in a rather bitter accent.

Sterner at once rejoined: “I beg your pardon. It was my own wish to have the case to deal with—I acknowledge that the court has given me much support, but there was a moment when you too, sir, made suggestions as to my retiring. Mr. Rosenthal has no doubt stated a great many weighty reasons. Mr. Rosenthal is a particularly clever and eloquent man. I adduced counter-arguments——”

“And now you agree with Mr. Rosenthal,” interrupted the Chief Justice. “Do you then consider Saarbrücken innocent?”

“No,” said Sterner. “I look upon him, now as formerly, as Lord Faringdon’s murderer. My suspicions have been confirmed, were confirmed still more strongly by the exhausting examination I held yesterday. But the personal consideration which has now been dragged into the case has shown me where my place is. It is not in the magistrate’s seat. I have never yet failed of my duty, and I never will, so long as His Majesty the Emperor and his Government continue to honour me with the position of a German magistrate. But for that very reason I ask to be allowed to retire from a post which I cannot hold with a clear conscience.”

“You must explain this more fully, my good Sterner,” said the Chief Justice in a friendly tone.

Sterner cleared his throat. “The case has now reached a point where the examining magistrate no longer has so very much to bring to light. In my opinion there can be no question of forcing Saarbrücken into confession. He takes refuge in stolid defiance and silence. I went as far as a modern magistrate can go, so far that a great part of the Press would have raised a cry of ‘torture’ if it had been represented in court. And yet I can affirm that I was at least as hard, if not harder, on myself than I was on the prisoner. It was no use.

“The evidence can be widened, a lot can be made

out of the prisoner's domestic relations, a romance can be spun about the women he has known, a wonderful amount of material can be got together for the newspaper reporters and the inquisitive, scandal-loving public. The one who will have to pay for all this will be the absolutely innocent wife of the accused. I have purposely kept her outside the case, from a conviction that thus I was acting rightly. But yesterday it became clear to me that this point of view of mine—is a personal point of view. We magistrates are responsible not only to our superiors but to the public for our official actions. Very well, I am ready to take this responsibility; it does not alter my view of the case, but I do not wish to bind the Court thereby.

“There was a talk before of Dr. Braun's taking over the case. Dr. Braun is a capable man, I will make way for him; what is more, I request that he may replace me.”

The Chief Justice had been listening attentively to Sterner's long speech. He merely gave a nod, saying: “Then it shall be as you wish.”

Sterner rose.

“Do you wish to make any further communication?” asked the Chief Justice.

“No,” was the answer. “What I know is down in the documents of the case.”

“All of it?” asked the Chief Justice.

“All that seems to me to be of interest to the case. But of course I am ready to acquaint my esteemed

colleague with the case and to go through its details with him."

The Chief Justice nodded.

"Dr. Braun is at present engaged at the High Court; if you like, we can go to his department. I shall at once give orders for the drawing-up of the necessary documents."

That ended the interview.

Dr. Braun was a serious young man, conscientious, rather stolid and filled with genuine admiration for Sterner's scientific works. Legal colleagues are not always over-ready to recognise each other's capabilities; Braun's loyalty made it easier for Sterner to make way for him. This was a part of Rosenthal's plan; but if the clever advocate had been able to see the result of his proposal, he would certainly have wished he had mentioned some other man, who would have re-opened the case from the beginning more independently rather than followed docilely in the steps of his predecessor.

Dr. Braun and Sterner were soon of one mind, and it was agreed that the new magistrate should visit Sterner at Homburg on the following day and receive the case from his hands, with all the explanations necessary for its comprehension.

CHAPTER TWELVE

MR. TUNSTAPLE WELLS called on Rosenthal to say good-bye. Mr. Wells was tired of waiting; his fraternising with the adverse party had brought him no advantage; there was plenty of work waiting for him at home, and the next of kin at Rigsby Abbey had asked him to return. To be sure it was pleasant and tempting enough to watch the English nobility disporting themselves in Homburg Curhaus Park, but Mr. Wells was nevertheless too good a democrat to be able to endure for long the sight of aristocratic loafing—as he called the tennis and flirtation under the lofty chestnut trees.

Isidor Rosenthal understood this very well, but his thoughts were altogether taken up by the piece of news he had received from an official quarter that same morning; that Sterner had retired from the case by his own wish.

Rosenthal had been to see the Chief Justice, but that official was cold and precise. He had made use of the backstairs of the court, as an advocate must sometimes. Those he spoke to shared his surprise, but knew nothing. He had sent for Schaltz, but that worthy had not arrived.

And now Mr. Tunstaple Wells was sitting in the advocate's comfortable armchair, smoking a strong cigar.

They talked of the great event.

"What do you think about it?" asked Wells.

Rosenthal gave a knowing smile. "You see, my dear colleague, a magistrate has to form a hypothesis and work it out till he arrives at certainty. But an advocate's method is different; he must first make sure of his case and then produce facts to prove it. I am not going to waste my time trying to guess why Sterner has suddenly given up the case of his own accord. No, what I want to find out is *how* he did it, and I shall be much surprised if this does not furnish me with the basis for my defence of Saarbrücken."

Wells smoked on. "It seemed to be a complicated business," he said.

Rosenthal showed all his teeth. "I wouldn't give it up for a thousand marks. Oh, you'll see what it will become in my hands; it will grow and spread like a wonderful tree, like a southern palm, sir. And in this wilderness of circumstantial evidence an oasis will shoot up from the ground, which shall give refreshment to all the camels of Germany."

"And Great Britain too, I hope," laughed Wells. "You might include my friend Sir Longland among the camels. Me too, if you like, for I don't understand a word of it all yet."

"You will soon, you will soon," said Rosenthal, laughing. "Now you are going back to Merry England with the special task of finding out why Mrs.

Saarbrücken was made legatee under Lord Faringdon's will. That is a question Sterner has not touched. He has been extraordinarily delicate where this lady was concerned. Possibly he has his reasons for that, but these reasons do not bind you and me. Mr. Wells, I expect from you a detailed statement of everything that may throw light on this point; and if it will kindle your ardour, let me add that, the more positive evidence you can produce, the broader will be the basis of the agreement which has for its object the decision of what practical effect is to be given to Lord Faringdon's will. The idea was yours to start with, you know, and therefore its execution ought to appeal to you especially."

Wells nodded, and thus it was agreed. Mr. Wells took his leave and left Homburg, feeling really rather impressed by his German colleague, very inquisitive about the whole business, somewhat cool towards Sir Longland Hearne, and, as to his feelings towards Dr. Sterner, he did not say good-bye to him.

Schaltz was Isidor Rosenthal's next visitor. On the same day as Sterner had applied to the Chief Justice, Schaltz, with a true presentiment of what was in the air, had asked for and obtained leave from his direct superior, Herr von Bitter. He had announced this fact to Sterner, striking his heels together as often as he could, to irritate the magistrate. The nocturnal examination had disgusted Schaltz, and he was now thoroughly exasperated with Sterner. He had paid a visit to the prison to see Saarbrücken. The

latter had now fully recovered his equanimity. The strain of the night was over; he was calm, composed, a little callous. Schaltz noticed this, and with a policeman's habit of following a preconceived opinion, had determined on the course to pursue. Saarbrücken was innocent, and the more circumstances pointed to his guilt, the more would Schaltz insist upon his innocence. It had now been decided that the preliminary examination should be conducted by one of the magistrates of the criminal court; but if this took place, Sterner would have nothing more to do with the case. That was all Schaltz could make of the magistrate's proceeding. Meanwhile the defence would have to try to interest the Englishman, Wells, by insisting on the connection between Saarbrücken's innocence and the prospects of the English heirs; and on this ground Schaltz must operate against Sterner, who clearly enough was doing all he could to assist Frau Saarbrücken directly.

Schaltz never remembered having a prisoner he liked better than Saarbrücken, and he had honestly forgiven him the trouble he gave at his arrest.

The conversation between Schaltz and Saarbrücken dealt first with the affairs of the firm, and on this point Schaltz was able to reassure the merchant by telling him of the liquidation; he also promised to take a message to the advocate, asking him to go to the prison and grant Saarbrücken an interview, whereof the latter was greatly in need.

He discharged this errand, and Rosenthal received

him kindly. He got Schaltz to give him an account of the nocturnal examination, and from the indignant tone in which the report was made, he judged the depth of Schaltz's dislike of the magistrate. It pleased him to hear that Schaltz had applied for and obtained leave, and in a friendly tone he suggested that the policeman should spend his leave in places where detailed information could be obtained, partly about Dr. Sterner, and partly about Mrs. Lizzie Saarbrücken.

"You see," said the advocate, "that is where the solution of the riddle lies. Sterner gives way out of consideration for the wife of the accused; and we must bear in mind Saarbrücken's violent words, when, as you have just told me, he even swore at the magistrate. We ought also to remember Sterner's attitude, and until I have arrived at facts to explain all this, I shall not commence work upon the defence. Now let us first see whether Dr. Braun, who is a docile admirer of the great master, Sterner, will try to strike out new paths. Personally, I don't think he will. Let me hear once more what it was Sterner said to Saarbrücken at the finish, or at least, as much of it as you could make out."

Schaltz went through the scene again, describing how Sterner asked Saarbrücken for his alibi.

Rosenthal frowned.

Supposing Saarbrücken had really mentioned a woman's name to the magistrate? Supposing he had abandoned his chivalrous attitude in this matter?

But Schaltz, who had been present at all the examinations, relieved the advocate of this fear. Rosenthal did not want to see Saarbrücken lose his romantic lustre—it would be a point that would have its effect in the speech for the defence—and as far as the alibi was concerned it did not make any difference, since Saarbrücken did not deny that he had passed the Park in the course of his midnight stroll. "Let me hear the words," he asked; "the magistrate's words."

Schaltz shook his head. "I could not catch them, the magistrate spoke very low, but I thought he said something about an assignation with *her*."

Rosenthal started.

Supposing Sterner in some other way had found out something about *her*, "her" could not here be Frau Saarbrücken, who was in Frankfort or perhaps at Falkenstein at the moment in question. "Her" could only mean another person—but how in the world had Sterner found out about *her*?

And while Schaltz sat stiff and unintelligent in the deep armchair, which was little adapted to his military attitudes, the advocate's brain conceived the plan of his masterly defence.

But of that he said not a word to anyone. He gave Schaltz his orders and let him go, well supplied with the means of carrying on an investigation on behalf of the defence, as they said—against Sterner, would have been more correct.

But even Isidor Rosenthal did not say that.

CHAPTER THIRTEEN

DR. BRAUN was sitting in Sterner's study, buried deep in the documents of the case. Step by step Sterner took up the evidence he had collected and went through it.

"My suspicion was aroused by the circumstance that I knew Lizzie Saarbrücken to be heiress to Lord Faringdon's fortune. I also knew, from a chance conversation with Faringdon, that Saarbrücken was aware of the fact. In addition to this, Saarbrücken was ruined, Lord Faringdon knew this, had already lent him considerable sums, and had at last refused to lend him any more. Through my brother-in-law at Falkenstein I had met Frau Saarbrücken, whose mother is staying at the Sanatorium to look after her son, a patient there. I knew her in days gone by. I have not mentioned this in the documents; it does not concern the case. I knew that she wanted to get a divorce from Saarbrücken, whose conduct, as we are informed by a number of witnesses, was anything but blameless. Saarbrücken vigorously opposed the divorce. There is community of goods between the couple, and by the death of Lord Faringdon they come in for a very consid-

erable legacy. In this I saw the motive for the crime.

Dr. Braun silently acknowledged his colleague's acuteness with a bow.

Sterner continued:

"I had him arrested at once, and summoned his wife to the preliminary examination, when it appeared at once that she knew nothing of the matter. I have tried to atone for my somewhat precipitate behaviour towards her, and in the course of the examinations I have kept her name out of the case. Perhaps you will differ from me on this point. It will now be for you to decide it. I shall make no attempt to influence you: follow your own judgment."

Sterner threw a sharp glance at his colleague over his glasses. Dr. Braun bowed politely, and Sterner could see that on this point his successor would follow in his footsteps. He was glad of it for Lizzie's sake, and he said no more of the matter.

"The further development of the case strongly confirmed my suspicions. The locket that was found by the body belonged to Saarbrücken; it bore his wife's initial, and it must have been dropped by him. He himself says he had given it to Lord Faringdon. But I have not succeeded in inducing him to say why. On this point and on another—the excuse for his nocturnal escapade, which is the really convicting circumstance against him—he maintains a stubborn silence, which I can only interpret as a result of his guilt. If he really had an assignation that evening, then there

must be a possibility of proving it. I call your special attention to that point, as it is of great importance."

Sterner paused.

Dr. Braun was listening attentively.

Sterner's brow was furrowed, as though he was seeking for a word. He continued, rather nervously: "As I was saying, this is a point of importance. If I did not feel myself that my position as Frau Saarbrücken's confidential adviser made me not the right person to carry on the case—and I may tell you as a colleague that I feel more than friendship for that woman; it would be wrong to conceal this from you—if I did not feel this, I say, I should now be concentrating all my attention on this point. The man will not speak. The dagger is a piece of evidence that will have great effect upon the jury—I don't attach so much importance to it. There are plenty of articles of that sort, and they are all alike. But of course it is a point to be considered. So far all this concerns the accused. As to the murdered man, it is known for certain that he went to Frankfort by train. It is not known when he came back. That is to say, from the evidence heard it has not been possible to decide how he returned to Homburg."

Sterner paused again and turned over the documents. "Let me here tell you that perhaps on this point I have not exhausted the material, and let me also mention, Dr. Braun, that this is where you will perhaps have most new work, here and about Saarbrücken's alibi. If it can be shown that Lord Faring-

don came back after Saarbrücken had gone to bed, that is, after 1.30, then the case against Saarbrücken falls to the ground. On the other hand, if it can be shown that he returned to Homburg, or that he was seen in the neighbourhood of the Park or of the scene of the murder at such a time as agrees with that which Saarbrücken spent out of doors, then that is a new piece of circumstantial evidence, which does not count for so very much and which I as a magistrate would not consider of very great importance. On the other hand, I would recommend you most strongly to follow up anything that may show either that Lord Faringdon came back after 1.30, or that he was seen alive at a later hour than this. That would prove Saarbrücken's innocence. The last point I have tried to clear up in vain."

Dr. Braun cleared his throat.

"You think then, Dr. Sterner, that no importance is to be attached to finding out when Lord Faringdon returned, so long as his return falls within the period of Saarbrücken's absence from the hotel? Excuse me, I don't quite understand this. It appears to me that everything touching upon this point is of equal importance."

Sterner looked up. "You misunderstand me, Dr. Braun. I only mean that of course it would be very nice to know everything that Lord Faringdon did that night, but that it is only of real importance to prove his movements at the time which concerns the case. I insist on this, because a magistrate must al-

ways keep before him the limits of his hypotheses. Suppose, for instance, that I knew for certain that Lord Faringdon was in the Curhaus Park at, say, 12.40, and suppose at the same time I knew for certain that Saarbrücken was also in the Park at that time, then with the evidence at my disposal and taking into consideration the other facts of the case, I should be almost certain that Saarbrücken was the murderer. But on the other hand I should be well aware that I had no proof, since there would have been nothing to prevent another man from committing the murder at precisely that time, a score of yards from the man who would thus innocently be suspected of the crime. My knowledge in this respect would be of no real value to me, although it would strongly influence my feeling. It would be quite otherwise if I knew positively that the murdered man had not returned till two hours after the accused had gone to bed. And everything that may serve to clear up this point you must try to find out, it is your absolute duty—if you can. Do you understand me now? ”

Dr. Braun understood; still, he thought the good Sterner was somewhat didactic, and this he put down to his being a man of science and politely said nothing. He saw well enough that there was not very much more to be done, and in his inmost heart he thought that Sterner had accomplished his task splendidly, even though circumstances had come to his aid—there was really not much more to be done. For who in the world could discover whether Saar-

brücken had had an assignation or not at that hour; and, as Sterner rightly said, it would be difficult to show when Lord Faringdon came home, and if it could be shown it would set Saarbrücken free—that was a side of the case that the defence ought really to take over.

The two men talked long, and Sterner separated from a docile pupil without having altered his ideas and without having tried to influence his successor.

CHAPTER FOURTEEN

THE sun was sinking over Falkenstein, dyeing the tree-tops and house-gables red. Down the steep mountain roads came clattering carts, with the brakes shrieking against the wheels and in the countless little gardens sat the Rhinelanders over their red wine at small tables.

Sterner's motor-car came panting up the hillside, and as it approached the people put their heads together and whispered: "That's the magistrate who is getting up the case against Saarbrücken, the wine-merchant of Frankfort."

Lizzie was standing in the garden, looking out over the road. He had promised to come, and he would keep his promise. She had feverishly seized the day's papers: no news—no confession. Then he would come, and he would have acted according to her wish. The terrible struggle between these two men was over—Sterner was tired—she saw that and spoke to him kindly.

Her brother was not so well, he became worse every day. There could not be much hope now. But Lizzie thought only of *one* thing, while her mother could think of nothing but her son.

She and Sterner sat in the garden under a great lime-tree, whose leaves rustled in the mild evening breeze. Deep peace rested on the hill and over the valley with its river like a shining ribbon. Sterner was tired—very tired. She had asked her question with a look, and he had answered with a movement of the head. Now they were both silent.

Then she said:

“And now, Fritz, won’t you apply for leave and go away for a little while? Sir Longland Hearne has invited me to visit him; he lives in the Isle of Wight. I have been thinking about it, but it would not be fair on mother. Why don’t you accept the invitation? You want rest.”

Sterner shook his head. “I can’t go away. Nor shall I take leave. I have two or three cases to see to, and work for me is the best sort of rest.”

“You have quite given up this case?” she asked.

“Whatever I do, I do thoroughly,” said Sterner. “To-morrow Braun comes to see me, I shall go through the evidence with him and put the case into his hands, and never touch it again.”

“And you are glad of it?” she asked.

“No,” he said. “This case excited me, but I have given you my promise. Besides, I am dissatisfied with my evidence. You must know, that in the ordinary sense it completely convicts him. He can scarcely escape being condemned, but from my point of view the most important thing is wanting, though it is only a form—his confession.”

“But if he is not guilty?” broke in Lizzie.

Sterner made a gesture of the hand.—“Don’t let us talk any more of the case. Yesterday he mentioned your name. In desperation he said: ‘Take her.’—and he swore an oath. It is the first time he has mentioned your name in connection with mine. No living human being can know what is between us—except old Mother Schultz the Hamburg housekeeper, you know, whom I had to discharge, and your poor mother. And yet this man said, ‘Take her.’ It made me see such a perspective of meanness, such an exposure of all that is dearest and holiest to us. No—even if I had not given you my promise, I should not have continued the case any further along the lines on which it must be conducted to be done rightly.”

“What do you mean?” asked Lizzie hoarsely.

Sterner took her hand. “Once more Fate has brought us together, Lizzie. But we won’t talk of old days. Whether the sword of justice falls upon Saarbrücken or not must be indifferent to you and me. As magistrate it was my duty to follow the traces of the crime, to force truth into light. And I should have carried out this duty without hesitating or turning aside, if I had been *sure* of my case.”

“So now you have doubts of his guilt?” said Lizzie. Her bosom throbbed violently.

Sterner shook his head. “No,” he said. “But I am not sure. My strength as a magistrate lay in being sure. And in this case there are things that you don’t know of, that no one besides myself knows of,

which make me uncertain. You mustn't ask me what they are. Why should I drag you into the dark passages of my confidence? You would not be able to help me, and your mind would only be saddened by it. Therefore I say nothing. But this I will tell you, that at this moment I stand at a path, which led straight on and now divides into three. Which of these three paths I shall follow, I don't know, and my instinct does not tell me, as it otherwise would."

"Why not?" she asked.

"Because another voice speaks louder than that of instinct. A voice that always speaks to me when my thoughts seek rest, as when they are struggling with great and difficult problems. And this voice calls your name, Lizzie.

"For Sterner the magistrate it is no longer a question of how he shall fulfil his task as magistrate, it is a question of how he shall rescue a woman, convey her free and happy from the most bitter struggle of her life. A magistrate is a man. If I desert you, I desert my dearest human duty. But I cannot accomplish my work as magistrate, and I only listen to the inner voice that calls your name."

Lizzie's eyes gleamed; she took a step towards him—then stopped short, as though by force.

"Fritz," she said, "don't think about me any more. I know that you will do what I ask you; I see that you have kept your promise. But the magistrate's office is not only to prosecute the guilty. You have so often told me that it is just as much his duty

to protect the innocent; you told me that was the greatest fault of our magistrates, that they only had the one thing in view, to hear the word 'guilty' pronounced over those who were brought before them, to force from them the confession that sealed their fate. But you—for you it was the sacred duty of the magistrate to defend the innocent, as much as to convict the guilty. I can read in your eyes that your doubts are aroused. I do not know why, but to-day you are no longer sure of your case. I begged you to make way and you did so. Now I beg you: do your duty as the magistrate you are. Throw the sharp light of truth over all this confusion. And if Saarbrücken is your enemy, then do what the greatest of all Judges commands you: Forgive your enemy—and do more than that. Take up his case and save him, if he is suffering innocently."

Sterner stared at her. He opened his arms to embrace her, but she avoided him.

"No, no, no," she said; "you came to me calling yourself my friend—you, whom I have called by names far dearer than that of friend. I avoided you—because I loved you—loved you on the day we met again, as I loved you on the day we parted.—Now I can read in your eyes, I can hear in your voice everything from those old days. But now it is my right to impose a condition upon you. And my condition is this:

"Save him!"

And before Sterner could say a word in answer she was gone.

CHAPTER FIFTEEN

STERNER informed Sir Longland Hearne of his decision to withdraw from the case. That old, experienced lawyer shook his head. He had a very high opinion of Sterner and would have liked to see the case in his hands. But if he would not, why——

They were sitting together one evening in Sterner's rooms. Sir Longland was leaving, and had come to say good-bye.

Sterner explained his reasons. He lay back comfortably in a deep arm-chair, smoking a very strong cigar. Hearne, too, was smoking, thoughtfully and very slowly.

"I give up this case," said Sterner, "because it is not clean. To me my work is a science. I consider it exceedingly doubtful whether society has the right to interfere with its punishments. In the old days they thought this right to punish was the most natural thing in the world. But then they used to think war was a noble business—in fact, the best of sports. Now all reasonable people are agreed that war is barbarous, not to say criminal, something that can only be resorted to as an *ultima ratio*, and then fenced about

with all sorts of excuses. Who knows when we shall have got so far as to look upon punishment in the same light? If a single unit of society has no right to cause pain to a human being, may it not be rather hard to establish the right of a mass of such units—society as a whole—to do so? ”

Sir Longland murmured: “ But *messieurs les assassins*, are they to be allowed to threaten society with impunity? ”

Sterner smiled. “ What is crime? In old days it was a crime to eat swine’s flesh or to deny the Real Presence in the sacrament, or even the Pope’s power of granting indulgences. In England, in Henry VIII’s time, people were hanged, drawn and quartered for trifling offences. We reduce the number of crimes. Perhaps we shall get to the bottom at last. That punishment is a very unpractical way of putting a stop to crime is evident from the fact that no criminal reckons upon being found out and punished. For crimes against property the best cure is social reform; for crimes against morals, the madhouse, and for murder, civilization and education.”

Hearne put his head on one side. “ Civilization—think of Saarbrücken! ”

“ An uncivilized beast is what I call him,” answered Sterner shortly.

“ All the same,” continued the other, “ it sometimes happens that highly cultivated men commit murder.”

“ Seldom,” said Sterner; “ and when it happens, I

am not quite sure that they do not act with a certain amount of right. All good things can rightfully be seized—the good things of life, too. Well, no more of that; we were talking of something else. My business is a science. I do not believe punishment is morally justifiable, but I admit that the tracking of crime is a useful means of securing peace for society, simply because the so-called crimes are thereby exposed and thus it becomes possible to remove their causes.”

“H’m,” muttered Sir Longland. “And about this case?”

“This case,” said Sterner, “is not quite a clean one. I have a personal interest in it, as you know, and that disqualifies me from treating the matter in my own way. Now I have retired from it, I may tell you, I think Saarbrücken will get off; and for that reason we ought to postpone a decision about the inheritance until we see how things turn out.”

“Is that wise?” asked Hearne.

“It is very stupid,” replied Sterner; “but when you have women mixed up in a case, there is always a chance that stupidity will be rewarded.”

Hearne tried to get something more out of Sterner on this subject of women, but the magistrate was not to be drawn out, and as Sir Longland was very discreet, he let the matter drop. It was evident that Sterner wanted to discuss ethical considerations instead of imparting to him his real motives. That was Sterner’s affair.

The next day he went back to London, promising

to look after Frau Saarbrücken's affairs to the best of his ability. He took with him in an urn the ashes of Lord Faringdon, and on his arrival had them buried with much ceremony in the chapel of Rigsby Abbey.

But Dr. Sterner, his day's work ended, sat alone in his study, plunged in deep thought.

And there was continually present to his mind the one condition: Save him!

He saw that it was the past, rising again from its grave and claiming its rights.

SECOND PART
THE TRIAL

CHAPTER ONE

AS early as September Saarbrücken's case was ripe for trial at the assizes in Frankfort. As was to be expected, the good people of that city looked forward to this trial with great excitement. The results of the investigation were known in part; public opinion had long ago found Saarbrücken guilty of the murder; it was only the details, the many small, intimate matters that are exposed in such a case, that could now be expected to yield anything fresh; it was common talk that the trial would be rich in exciting scenes and piquant details, and thus just what it should be: an enthralling drama for the amusement of the populace.

There were hints that the counsel for the prisoner, Isidor Rosenthal, had planned an extraordinarily effective defence; and people who knew Rosenthal were prepared to witness a brilliant oratorical display; but with regard to the principal object of this expected oratory, the saving of Saarbrücken's head, much scepticism was expressed. The only thing that seemed to show that the defence looked for a favourable result was the circumstance that the prominent banking firm of Moritz Rosenthal & Co., of Frank-

fort, had engaged a good deal of capital in the wine-merchants' business of Fürste & Wienecker, of which the accused was the proprietor. It had not been declared bankrupt; on the contrary, it continued to carry on business, though somewhat hindered by its difficult position; and people who knew what delicate noses Moritz Rosenthal & Co. had, and who were acquainted with their connection with the advocate, nephew of the head of the firm, were after all a little disposed to entertain the view that the last word had not been said yet, and Moritz Rosenthal & Co. generally knew what they were about.

The wife of the accused had spent the summer at Falkenstein; her brother was better, and in August she had gone with him and her mother to the Isle of Wight, where they had been the guests of the murdered lord's lawyer, Sir Longland Hearne. Now she had returned to Frankfort, where she had taken a little apartment near the Eschenheimer Thor; she was but seldom seen and never spoke to anyone. There had been a good deal of gossip about her relations with the murdered man, but it had to be admitted that this was only rumour; and it was especially these rumours and their final clearing up that was to provide the bulk of the sensational and exciting material in the approaching trial.

The third of the principal actors in this drama, Dr. Sterner, had also been absent on leave during August. It was known that he too had been in Eng-

land, and this was thought quite natural, since it was commonly known that after having begun by being very harsh in his treatment of the prisoner's wife, he had been much captivated by her, and no doubt the reason for his retiring from the case and leaving it to his younger colleague, Dr. Braun, was that he might be of assistance to her. Dr. Sterner, however, had only spent a short time in England; he had discharged his official duties at Homburg as usual, until suddenly, a week before the opening of the trial, he had gone south and had not returned. People were thus not absolutely certain that he would be able to be present at the trial, though of course everyone expected that he whose preliminary investigation had produced the bulk of the evidence, could scarcely be absent on the day when the public proceedings should commence. It was true that Sterner was now quite outside the case, and everything he had done was added to the documents. He could now only be regarded as a spectator, but surely a very interested and interesting spectator.

As to Saarbrücken himself it was known that he stubbornly continued to assert his innocence. It was said that he was defiant and silent; he behaved well in the prison, as men of his kind always do; but his conduct under the numerous examinations that had been held was so far from suggesting his innocence, that it even very strongly confirmed the suspicions against him.

That was what people said; but how much do peo-

ple know about prisoners that sit in safe-keeping behind iron gratings?

How much was it, in fact, that people knew at all about this case?—and just for that reason they looked forward to the trial, which was to bring everything into the light of day, the outcome as it was of shrewd human labour, to attain what Society regards as its final goal—*Justice*.

Meanwhile, during all this time, the defence had been at work. Isidor Rosenthal was not a man who talked of what he was doing; when people in Frankfort asked him his opinion, he used to smile—he was fond of smiling—and then said something to the effect that the man whose defence he had undertaken was either innocent, or in any case would be found not guilty, in spite of the position of the facts. Then they laughed at these advocates and understood that Rosenthal did not want to make any communication to the world at large until the day should come when he would appear in public.

However, the more initiated were able to find some connecting links for guess-work in the examinations that were being instituted here and there on behalf of the defence, but after all this was very little. It was known that the police prefect at Homburg had furnished the able police commissary, Martin Schaltz, to the defence, the same man who had carried out the arrest of Saarbrücken, and that Schaltz had made frequent journeys to Hamburg and even to England on behalf of the defence.

Schaltz had just returned from his last visit to Hamburg and was an almost daily visitor at Isidor Rosenthal's office, where the two men were working upon some very important information that Schaltz had collected on his journeys. Rosenthal was satisfied with Schaltz, and Schaltz was proud of this. It was a very different thing to work with a pleasant-mannered advocate from being bullied by a Prussian police-magistrate. And in this respect Dr. Braun was not a bit better than Sterner. Perhaps scarcely so rude, thought Schaltz.

As for Sterner, Schaltz simply could not stand him, and so it happened that he came across an elderly lady who in all respects shared his feelings for the magistrate.

This lady was none other than Madame Schultz, of 117 Alter Steinweg, Hamburg, Sterner's former housekeeper. She was a good friend to Schaltz, and it was for the most part the fruit of their collaboration that was now being carefully gone through in the lawyer's office on the Zeil. Madame Schultz knew the magistrate well, she also knew Frau Saarbrücken extremely well, she knew what no one in Frankfort guessed, and what Isidor Rosenthal gladly paid liberally to learn. Madame Schultz was in the wrong in her relations with Sterner, she had abused his confidence, and when he discovered her dishonesty, she had sworn to be revenged. Here seemed to be an opportunity; by her help his work and his plans should be brought to naught. Madame Schultz did not spare

her knowledge, she had made good use of her position, picked up things here and there,—indeed, she had not denied herself the possession of certain papers which were not intended for the world at large, and which she now, in return for a suitable gratuity, placed at the disposal of Mr. Schaltz.

That part of the information which had to be collected in England, was provided by Mr. Wells; the Roxley family had agreed to contribute to the defence on the condition that the advocate should remember them when the question that interested them should reach its final settlement.

The legacy itself still remained unpaid. On behalf of Frau Saarbrücken Sterner had made enquiries through Rosenthal, as to whether the accused, Saarbrücken, were now willing to give his consent to a divorce.

At the urgent instance of Isidor Rosenthal, the accused had answered this question by a decided *No*. In this connection there had been some personal negotiations between Rosenthal and Sterner, in the course of which the advocate had made great use of the power that was peculiarly his, of sounding the plans and the thoughts of his fellow-men.

Sterner was a clever man, but his cleverness consisted chiefly in this, that he laid his plans and carried them out consistently, avoiding any undue haste and always preserving a certain coolness in his external behaviour. His strength lay in making a clever use of facts, in combining them and balancing them intel-

ligently one against another. In this he was certainly Rosenthal's superior; while on the other hand the advocate possessed that special gift, which is of so great advantage to a commercial race, to a family of merchants, in the course of its development, the gift, namely, of taking advantage of every little weakness, every false step, however slight on the part of his opponent, in order to advance the cause he had made his own.

In short, Sterner was strong by his own cleverness, while Rosenthal was so through his marvellous power of making use of other people's foolishness.

And in the course of these very negotiations it looked as if Sterner had made a false step. Sterner was not unacquainted with the fact that the defence had had some hesitation about throwing a slur upon Lizzie Saarbrücken. She had been summoned to one or two examinations, but Dr. Braun had entirely accepted the point of view originated by Sterner with regard to her. It was evident that she would have to appear as a witness at the trial; that she could not give evidence against her husband was clearly expressed in the criminal code, and that she could not be accused of cognizance or of anything like complicity in the crime was obvious from the fact that the public prosecutor had taken no steps against her. Sterner was now only a spectator, besides being Lizzie's representative in the question of inheritance.

He had been discussing with Rosenthal an arrangement whereby Lizzie's marriage could be nullified,

and here he had met with opposition; in the course of these negotiations he had defined precisely those instituted by Lord Faringdon, before the fatal event. At first Rosenthal had believed that Sterner was here repeating the knowledge and views of his principal; but gradually, as he found out through Schaltz more about Sterner and Lizzie, he saw that Sterner was not merely acting as Lizzie's mouthpiece.

He renewed the negotiations, and after a few conversations with Sterner, the end of which was that Saarbrücken still refused to hear of a divorce, Rosenthal had acquired the information that even before the death of Lord Faringdon, the magistrate had taken part in the divorce negotiations and that his acquaintance with the murdered lord was a fairly extensive one.

It did not escape Sterner that on this point the advocate was very inquisitive, but since it was still Lizzie's resolve not to desert Saarbrücken in his need, as she put it, against his wish, and since Sterner was determined to support her as far as possible, he continued these negotiations, though they were intensely disagreeable to him.

On one point he had not altered his resolve; he would not put forth a hand to "save" Saarbrücken; he was a spectator of the trial, he said, and nothing else.

The day before the proceedings opened, he returned home from the south.

CHAPTER TWO

ON September 7th, in the Criminal Court of Frankfort-on-the-Main, began the trial of Helmuth Saarbrücken of that city, accused of the murder of the English peer, Cecil Laking, seventh Baron Faringdon, committed at Homburg vor der Höhe on the preceding 7th of July.

The court was crowded to suffocation, and the heat was considerable; it was still summer, and the sun poured its rays in through the lofty pointed windows, filled with stained glass. There were present all the prominent people of Frankfort, officials, military men and merchants, and in particular a flock of Isidor Rosenthal's friends and connections, serious and characteristic types of the leading men of the banking metropolis; but at the same time a number of ladies in gay-coloured toilettes were there, and many of the papers had sent their representatives to procure for their readers the matter they delighted in,—sensation, and the incongruity that arises when one of the so-called upper ten thousand by a criminal action sinks into the class that is usually recruited from those who are born on the darker side of Society.

Saarbrücken sat in the dock. He was pale, his head

was bent, and he did not seem to bestow the slightest attention on the crowd. But he was evidently composed and bore his fate with great calmness. Frau Saarbrücken was among the witnesses; she arrived late, and as she entered the court by the side of Dr. Sterner, clad in black with a thick veil over her face, a murmur went through the audience. The accused raised his head for a moment, then sank back into the dull indifference which seemed to be his weapon against what might befall him.

There was deep silence in court when the President rose to open the proceedings. The court was duly constituted, the jury sworn and placed in their box. The curtain had gone up and the drama was beginning.

There were five acts, in accordance with the ancient rules of the drama, a division which was especially appropriate in the case of one like the present, which according to the expectation of everyone must end as a tragedy—with the death of the protagonist. The first act contained the speech of the prosecution, which would be followed by evidence against the prisoner and the prosecuting counsel's concluding address; then witnesses for the defence, and, as the fourth act, the act of conflict and rising interest, the speech for the defence. The fifth and last act would consist of the words to be pronounced by the solemn men now assembled on the bench upon Helmuth Saarbrücken, the Homburg murderer.

The spectators knew, of course, the argument of

the play, they knew it from newspaper articles, from common talk, and yet the court was filled with that peculiar atmosphere, charged with excitement, which is ever present in a large assembly, whose thoughts and senses are directed to *one* object—*one* action that concerns the individual but yet creates a reaction upon the minds and wills of all.

Dr. Hagemeister, the public prosecutor, rose to open the case; he was a tall, thin man with a dry voice; a lawyer such as you may find all over the world, dry, monotonous and sharp, going straight to the point without looking to one side or the other, sparing neither himself nor his hearers a single point that seems to his judicial brain to concern the case.

Dr. Hagemeister stood in his black gown like a figure of inevitable retribution—an image of death.

After the usual formal introduction the prosecution established the fact of Saarbrücken's being charged with the murder of Lord Faringdon, and described the private circumstance of the accused.

He continued:

“As you will see, gentlemen of the jury, in this case we have no confession of his guilt on the part of the accused—on the contrary, he has all along stubbornly denied his guilt. Nor have we any definite proof, and in a case like this, of secret assassination, direct proof will seldom be forthcoming. On the other hand, thanks to the admirable investigation carried on by the preliminary examiner, we have a series of circumstantial evidence, which in my opinion

incontestably points to the accused as the perpetrator of the crime, and which, I do not hesitate to declare, has brought me to a conviction of his guilt. Meanwhile, I do not deny that circumstantial evidence is a two-edged sword; it allows scope for conclusions, and the separate circumstances can be considered important only when they can be firmly linked into a chain which taken as a whole points to guilt. This is the case here, and I shall now try to sketch the development of events, showing how single facts occur in the chain of circumstances.

“What do we know about Helmuth Saarbrücken beyond the facts of his birth and outward circumstances?

“He has never before been either charged or convicted of any action that public opinion calls disgraceful; I shall not dwell upon the fact of his having appeared in his young days at the police-court in Hamburg for various misdemeanors committed in a state of intoxication. It is true that his drunkenness showed itself also in the shape of brutality towards the guardians of the public peace, but as I said before, I shall not dwell upon that—he was then a young man. It was also to be expected that the advance of years, the fact that he became chief of a great business with all its responsibility, and the circumstance that he brought into his home a beautiful and cultured woman as his bride, might have changed his nature, forced him into the circle of useful citizens.

"I regret that it is my duty at once to assert that it did not turn out so. And although I run the risk of wearying you, gentlemen of the jury, I am compelled to show, on the basis of conscientiously collected information and data, how it was due to Helmuth Saarbrücken, and to him alone, that the flourishing house of Fürste & Wienecker has been brought to the brink of a calamity, I shall now proceed to do this."

And Dr. Hagemeister did it, did it so thoroughly with so many figures that the greater part of the assembled multitude sank into dull listlessness, crushed beneath the weight of the many columns of figures. And already there began to arise a vague dissatisfaction with the man who was the direct cause that people, after having with great difficulty gained admission to the court for the purpose of hearing an exciting murder trial, were compelled to sigh by the hour under the burden of these terrible figures.

When the prosecuting counsel had concluded this part of his attack, it became clear to all good Frankforters that Helmuth Saarbrücken was a criminally bad wine-merchant.

But considered as a man, his shares were also destined to fall.

Dr. Hagemeister continued:

"The time that Saarbrücken should have devoted to his lawful occupation he spent in all kinds of dissipation and frivolous amusements. If he was a bad man of business, he was a worse husband. What I

mean by this will become evident from the statements of numerous witnesses; I need not dwell upon details at this point.

“What is of chief importance is his position with regard to this special case, his relations to the murdered lord and his relations to his wife. Lord Faringdon was his friend; he was the representative of a great and honoured family in a great country; he met his death here, at a place to which his countrymen resort to find amusement; as a German I cannot do otherwise than remember with regret this stranger, who, if he had his faults, and which of us has not?—had to atone for them terribly. Peace be with him. Saarbrücken was his friend, and shamefully did the accused abuse this friendship. I shall not weary you with many more figures, but this list of the amounts borrowed by Saarbrücken from his friend speaks plainer than words.”

Again the weary audience had to listen while the prosecutor read out a string of figures, but the result was the same, public feeling was turned against the man who had caused such an arsenal of figures to be inflicted upon a lot of people who had come expecting piquant details.

Dr. Hagemeister continued:

“Lord Faringdon was Saarbrücken's friend, and still more was he the friend of the prisoner's wife. No shadow of blame rests upon this woman; nothing in the course of the investigation has occurred that justifies anyone in conceiving the slightest suspicion

of her. She did her duty as a wife, she did her duty as a human being, when she asked her husband to release her from a connection that through his fault was not what a marriage should be. Here she encountered his opposition. Not because he loved her; a man who loves his wife is faithful to her, and he was not. Why? we ask then; and here we come to the motive for the crime which we attribute to the accused.

“It has been established that Lord Faringdon refused to lend Saarbrücken any more money; it has been established that Lord Faringdon earnestly urged Saarbrücken to set his wife free; nothing has transpired that justifies us in supposing that Lord Faringdon himself entertained love for Frau Saarbrücken, still less that she returned such a feeling—but even if it were so, there are things that remain concealed in the human heart, and in any case this couple was going the way that leads to the dissolution of a connection that has not been what it should be.

“Saarbrücken knew that his wife was to inherit Lord Faringdon’s fortune—let us call this a whim on the part of the wealthy Englishman, and to our more sober minds whims and wealthy Englishmen are often synonymous, and, as I said, there is not the slightest stain upon her. Saarbrücken lost the friendship of Lord Faringdon, his source of supply was cut off, ruin rose before him, he seized the dagger and became a criminal. His motive was to use the community of goods existing between himself and his

wife to secure Lord Faringdon's fortune. Nothing has been able to shake this fundamental hypothesis—for me it stands firm and secure.

“These are then the first three items of circumstantial evidence: 1st, Saarbrücken's insolvency; 2d, his knowledge that there was a remedy, as his wife was Lord Faringdon's heiress; 3d, his obstinate opposition to the divorce. But I admit that this is not enough to convict him.

“Let us therefore carefully enquire how he was occupied on the evening Lord Faringdon was murdered. At six o'clock that evening Lord Faringdon dined with Saarbrücken; it is shown that while the two sat at the dinner-table at the hotel, a boy named Caspar Schultz who was employed to pick up balls at the tennis-ground, came to their table and showed a locket he had found in the Park, which he believed to belong to Saarbrücken, the more so as the latter had dropped it, discovered his loss, and charged Caspar to look for it. Saarbrücken took this object from the boy and gave him a reward: it was a little gold locket, containing a lock of hair, and with the initial L engraved on the outside—meaning Lizzie, the name by which Frau Saarbrücken was known in the circle of her intimates. This locket, which had once been lost, was found again by the body on the scene of the murder.

“I say that it was dropped by the murderer during the brief struggle that preceded the murder. The examining magistrate has represented this to the ac-

cused, and the latter has stubbornly affirmed that he had given the locket to Lord Faringdon.

“Do you believe that, gentlemen?”

“Why? you will ask.

“Saarbrücken says that on that very evening he had changed his views with regard to his wife’s wishes, in other words, he was willing to agree to the divorce. He has himself affirmed that he was against it; nothing has appeared to explain this; and so who will believe it?”

“After this fourth piece of evidence, the locket, we have the fifth against him, which also concerns a lifeless thing, the circumstance, namely, that there has been found in his effects a dagger which corresponds exactly to the wound inflicted. Objections may be raised against each of these pieces of evidence, taken together they are fatal to the accused; but, it seems to me, that the circumstances which follow, and which refer to Saarbrücken’s conduct after Lord Faringdon had left him that evening and taken the train at seven o’clock for Frankfort, will prove far more fatal to the accused.

“Saarbrücken spent the evening with Herr Bechmesser and his wife, who will give evidence. They have both stated that the accused, who is an excellent whist-player, was absent-minded that evening and played so badly that they remarked upon it. They even gave up the game, and Saarbrücken, who did not care for music but was a keen card-player, was present at a concert, during which he was seen in

conversation with a man, with whom he was not otherwise known to have been acquainted, an Italian, whose name does not occur elsewhere in the case. That it was not the concert that attracted Saarbrücken to the place appears to result from the evidence of witnesses who declare that during the performance of a piece which was listened to in the deepest silence by the whole audience, Saarbrücken by his restless and noisy behaviour brought upon himself audible signs of disapproval.

“He left the concert at eleven and went home. At half-past twelve he was let out by the night-porter and hurried, as the man has deposed, nervously and restlessly out into the night.

“As to the object of his nocturnal excursion he has maintained a stubborn silence. At one o'clock he was seen by the witness Nathalia Stolzi close to the place we may describe as the scene of the murder.”

On this point Dr. Hagemeister enlarged at wearisome length.

“At half-past one he came home—heated and restless as he had gone out, and when next day his arrest was decided upon by the investigating magistrate, he behaved like a madman and after a struggle had to be handcuffed and confined in a drunkard's cell.

“Later he has been extraordinarily calm, obstinately silent, and not a word has been got out of him to explain or throw light on what happened in those night hours.

“Of Lord Faringdon nothing is known, from seven o’clock when he left the hotel and took the 7.16 train to Frankfort, no one has seen him, no one has heard anything of him, until his body is found next day in the Park.

“On this point the magistrate, Dr. Braun, has conducted a far-reaching investigation; all that is known is that in the pocket of the murdered man a return ticket from Cronberg to Frankfort was found, which makes it probable that he was at Cronberg—but no one saw him there, and how he came back to Homburg no one can guess.

“Witness after witness has strengthened our suspicion, one piece of evidence has been added to another, and the thing that weighs most heavily against the accused is his stubborn silence. You will now have an opportunity of hearing all these voices, you will have an opportunity of seeing and hearing the accused, and then it will be your duty to record your verdict—of course the counsel for the defence will also appear and lay claim to your attention.

“In conclusion let me add that it is Dr. Sterner who by his able treatment of the case has collected the bulk of the evidence, and that in spite of creditable work on the part of his successor, Dr. Braun, nothing new of importance has been added. Dr. Sterner made way in deference to the wishes of the wife of the accused; and Dr. Braun has shown that his predecessor earnestly recommended him to try to get at facts which might be in favour of the accused, but these

attempts have not been successful. It would be unjust to regret that Dr. Sterner did not complete the preparation of the case; there can be no doubt that he, who from personal grounds felt himself called to support the wife of the accused in her helpless condition, gave up a task, which, if he had carried it out to the end, must have made it impossible for him to occupy the position he wished to occupy, and to which he was peculiarly fitted by considerations of civil law. I touch upon this point expressly, gentlemen of the jury, in order that you may see that the magistrate was by no means the enemy of the accused, but on the contrary that he has allowed room for criticism of all his steps, before his work comes before you."

Dr. Hagemeister's speech furnished no surprises; thus the case stood, and now they would see what the evidence produced.

The evidence began immediately after the speech for the prosecution and lasted for three sittings of the court. All were agreed that it was disappointing; Dr. Sterner had arranged the case in a dry and sober fashion, and Dr. Braun had followed in his footsteps. But on the third day it seemed as though something new would come out. It was the witnesses for the defence who were being examined. But their evidence seemed to have nothing to do with the murder, it was concerned with all kinds of scattered facts about the lives of Saarbrücken, Lord Faringdon and Lizzie Saarbrücken, and what surprised people most of all

was that these witnesses also spoke of many things connected with Dr. Sterner's private life.

There was yet wanting the speech that was to bind all these statements into a comprehensible whole.

But something was to be expected when Isidor Rosenthal rose to speak, and the papers were agreed that in this case the chief interest would lie in the defence.

CHAPTER THREE

ISIDOR ROSENTHAL'S position with regard to Saarbrücken was a double one. In the first place he was counsel for a man who was accused of murder and against whom a considerable amount of evidence had been obtained; in the second he was lawyer to the head of a firm whose ruin had been brought on by that head's foolish and reckless mismanagement. In his first capacity Rosenthal was full of benevolence; during his conversations with Saarbrücken he worked himself up to the height of confident belief in his client which was to lend his great speech that ring of heartiness that should influence the feelings of the audience and decide the verdict of the jury. But in his other capacity Rosenthal was anything but amiable; it was indeed totally opposed to the advocate's whole nature to be well-disposed to a ruined man, whose ruin threatened himself and his best clients.

But there was another point that decided his attitude to Saarbrücken personally. As matters stood, Saarbrücken was compelled in all respects to look to Rosenthal as his sole salvation. He had suffered a good deal from his detention in prison and the mental

strain, but still his misfortunes had not been able to break down the calm which was the most conspicuous trait of his character. If Rosenthal succeeded in getting him acquitted and he became a free man again, it was not quite certain whether Rosenthal would be able to lead him wherever he liked; Saarbrücken was like a colossus, you could neither cut nor pierce him. There was community of goods between him and his wife, and if the English authorities represented by Sir Longland Hearne would pay over the legacy, everything would be in order. But Sir Longland Hearne was evidently a careful man, he was on the side of Sterner, and besides the will itself contained phrases which might be variously interpreted, or in any case might furnish material for protracted litigation, to determine whether it was to be assumed that the legacy, as "reserved" estate should fall to Mrs. Lizzie Saarbrücken as her private property. The legacy amounted to about two and a half million marks, and that meant that the house of Fürste & Wienecker would be saved, if it fell to the couple as their joint property; if on the other hand it was treated as the private property of the wife, the firm of Moritz Rosenthal & Co. were left with a debt of a million which would not be easy to collect.

It was therefore important for Rosenthal to make use of the time, while Saarbrücken was sitting in prison as a helpless captive, to bind him to take just those steps his advocate desired when he was once

more free. Of course he must first be saved, but it was a natural consequence that, if this did not succeed, then the financial side of the case was also hopelessly lost—and Rosenthal never gave up hope.

On the same day as the evidence in the trial had been completed he went to the prison to speak to his client for the last time before the great fight.

Saarbrücken was nervous, and Rosenthal was therefore gentle with him, at least, so long as he was talking about the murder case. He consoled the prisoner as well as he could and declared that he was not afraid of Dr. Hagemeister and his circumstantial evidence.

“But,” said he, “we must now look a little at the other side of the question, the financial side. You have conducted your affairs like a lunatic; that is a fault that cannot be cured, without the addition of an enormous capital; we have done what we could, but we cannot save the firm, unless more money comes into it, and what is worse, we shall lose our money. You have behaved like a criminal on this point, and for that alone you have deserved the misfortunes that hitherto have befallen you. Therefore, as soon as you have an opportunity, you must arrange your affairs with your wife. You are not yet divorced, but I understand from you that you once gave your consent. That is an important point in the murder trial. Is it so?”

“Yes,” answered Saarbrücken shortly.

“In writing?” asked the advocate.

"No, by word of mouth—to Lord Faringdon, the evening it happened."

"Right," said the advocate. "So it was. And that was the cause of Lord Faringdon's journey to Frankfort—and his subsequent excursion to" The advocate broke off; not even in the cell, in the presence of the prisoner, would he produce his trump card and anticipate the great surprise. "Then it amounts to this, that you have *not* given your consent to the divorce, and we can still negotiate with Sterner, for it is with him we shall have to deal."

"Never!" exclaimed Saarbrücken hotly. "I will only meet that man at 24 paces, with pistols in our hands."

"Gently, gently," said the advocate. "It will be a long time before you get the chance, and besides, I think you must have had experience enough of the unpleasantness that a thirst for blood may occasion, especially when you really want to kill people, and a magistrate above all people, who has had your case before him in the course of his official work. No, let me do what has to be done with Sterner; there are many other excellent ways of hitting a man, without having recourse to bloodshed. As I say, leave him to me. You will have to follow my instructions implicitly. We are willing to fulfil the wishes of the others, if necessary—of course, only if it becomes necessary. And therefore you must sign a document defining your claims in case of a divorce."

Saarbrücken glared at the advocate; then he collected his thoughts.

"I won't separate from Lizzie—I feel that now. I have repented while I have been in prison, and I know she will forgive me. I have had letters from her, beautiful letters of consolation. She believes in my innocence"

"And so on," interrupted the advocate. "I know the whole thing better than you do; we won't talk about that, and above all don't let us be sentimental here, while we are alone. Here you are, an innocent man in prison; your wife has a great, warm heart, she takes pity on you, she will save you . . . and so on. Drop all that and look at yourself as you are: Knight of the woeful countenance through your own fault; and then you'll see, it's another tune you must sing. No, we must be prepared for everything. We agree to the divorce, if she will provide for Fürste & Wienecker's debts regardless of what decision the Englishmen may come to about the legacy. Full stop. This is for your information, not for discussion, and you must bind yourself to it on the spot."

Saarbrücken stood up.

"Does that mean that you'll leave me in the lurch?"

"Rubbish," said the advocate in a tone of annoyance. "I am your counsel, and even if I had seen you myself boring twelve inches of cold steel into this confounded Englishman's back, it would be my duty to wash you as white as an archangel in court. But

you are not to come out of prison like a beggar, and we, Moritz Rosenthal & Co. and I are not going to lose our money over your dirty business. You must understand that. So now sign as I told you."

Saarbrücken hesitated.

Rosenthal stood before him, looking just as heartlessly cold and harsh as an oriental financier can, when he has to deal with a penniless beggar who has failed on those points where he *never* fails.

Saarbrücken shuddered and sighed.

After that the advocate became friendly again. He patted Saarbrücken on the shoulder and smiled pleasantly. "Cheer up, my boy, I promise you it will be all right."

The advocate was turning to go, but stopped at the door.

"One more thing. You once confided to me that on the eventful night you spent an hour, let us say, billing and cooing with a lady; I have made use of this in my speech for the defence, and I think it will go; but for my own sake I must know a little more. I am bound not to betray you, you know, the name will go no further than myself. But you must tell me who it was."

"I will not," said Saarbrücken defiantly; his anger had not subsided, and for the first time he felt a real distrust of this man, who was so different from himself.

"You must," said the advocate shortly. "I will know it. If it is a lie, then I shall pass it by, and you

yourself must bear the responsibility. You are not going to fool me; what lies are to be told in this case are my business, but to me you have got to tell the truth. Come on with the name."

Saarbrücken hesitated, and then said slowly: "*Giulia Delphini*."

"Giulia Delphini!" The advocate stepped back in surprise. "The unapproachable, the beautiful wife of the Italian banker, who lived in the cottage near the scene of the murder. Well, I must say. She—*turris eburnea*, as d'Annunzio says. Saarbrücken, you have mismanaged your chances in life. So that was why you were seen close to the scene of the murder. But how could this woman Stolzi find her master and mistress peacefully engaged in packing, and how on earth could you let such a conquest escape you so quickly?"

Saarbrücken blushed.

"It was an innocent meeting—not the first. I left the house by a back door before the husband came. Madame Giulia had sent the maid out to be alone with me."

"Well"—said the advocate—"I can tell you, if we could use this, I believe it would do."

"Impossible!" said Saarbrücken hastily. "I have your word. Delphini is as jealous as Othello. You have given me your word of honour, Mr. Rosenthal; it will be criminal if you don't keep it."

"Don't alarm yourself, Saarbrücken, I always keep my promises, and even as it is, this may go down

very well. It is reassuring to me to know that you had a particularly strong reason for being in a place where, in the circumstances, it would have been just as well if you had not been. That's all right. I'm satisfied with you to-day, Saarbrücken, and you will be more than satisfied with me to-morrow."

Rosenthal shook his hand, lightly rather languidly, as was his way, and left him.

But Saarbrücken sank down on his prison chair and buried his face in his hands.

CHAPTER FOUR

DR. STERNER sat in his study, busy with an unimportant larceny case, one of those which unprofitably take up three-quarters of a magistrate's time. It was a piece of work that had to be done: a poor wretch who had never had a chance, and who was to be forced along the road of punishment and its consequences, new misery and new crime. It was late in the afternoon of the same day that Rosenthal had paid his visit to Saarbrücken in prison.

There was a timid knock at the door.

"Come in," said Sterner without turning round—his voice sounded rather harsh, he hated being disturbed at his work.

The door was opened softly and closed almost noiselessly; he turned slowly—then sprang up and stood staring at his visitor.

"Lizzie!"

She bent her head.

"You here—you come to me?—you really come to *me!*"

"Yes," she said in a faint voice; "I suppose it is not right—but I had to. I have had no rest the last

few days, the last few nights; I must speak to you, I must speak out with you . . .”

Sterner pushed a deep, comfortable armchair towards her, and she sat down.—She was in black, and looked pale and nervous, but there was a certain firm expression on her lips which he did not recognise from old days, but which he had noticed lately when he visited her and talked in a purely businesslike way about the things he had to settle with her. For their conversations now never rose above the level of business—he had offered her his services as an experienced and skilled man of business, he knew that people’s tongues were busy about her and him; if only they had known what it was they talked about.

And yet in both of them a fire was smouldering under the ashes, which a chance word might fan into a flame. Sterner had told the truth that day, when he saw her at Falkenstein after the examination. When he met her again after a separation of years, he understood that it was she—she alone—and she—she avoided him, but her eyes said what her lips would not utter.

Now she was here in his room, and she had come of her own accord, to speak to him in private.

Sterner said nothing—it was for her to speak.

She stammered a little; it was as though she were afraid of saying too much, but gradually, as she spoke, her words became more firm and her cheeks were tinged with red.

“I could find no rest, I had to speak to you; I

know that you are clever, that you know what is right to do, and just now, now I must . . . I think it is my duty as well as yours to act. I shuddered in court when I heard all that they had got together against him! he is innocent, he has his faults, his great, ugly faults, but he did not murder Cecil. He is not a murderer, and they must not condemn him to death as a murderer. I don't understand how all that which they call circumstantial evidence can convict him, and yet I could see how they all believed in his guilt, all these strange unsympathetic, inquisitive, indifferent people, who seemed to be just waiting for his death. I tell you, it horrified me. That is why I come to you to beg you to save him. You can do it, you alone, and you must not deny me this. What do I care about all that you and Hearne are doing for me? I don't want all their money; if it can save his life then take it all, take every penny. I have only room for one thought, one wish—you must save this man, he is innocent."

Sterner said nothing—involuntarily he shook his head.

"Yes, yes," she exclaimed eagerly—"he is innocent. Nobody can know anything about what happened—you as little as anyone else; but I feel it, I know it, do you hear?—he is innocent. I spoke to you of conditions—there is no condition—you know yourself what I feel for you; we cannot talk of conditions, but only of this that I beg and entreat you: Save him.—For everyone says it is you that will convict him. I come to you, you cannot be mistaken

about me, you know that it is only pity, that all the feelings a woman can have for a man are yours, you know that I am yours, as I always have been, as I always will continue to be—but now you must, I say, you must save this man.”

She rose and went towards him.

Sterner also rose, trembling with emotion.

She put her arm on his neck and he bent his head towards hers.

Neither of them spoke a word.

The minutes passed—it was as though the past was obliterated, as though they met now for the first time, quite different from their former selves, quite alone.

Sterner was the first to speak.

“Thanks for coming, Lizzie—thanks for wiping out of your own accord that word conditions, which has burnt itself into my brain from the hour you spoke it. Now you are mine—then give me your full confidence and believe that whatever I may do and however I may act, it will be all for *you*. There is a Providence watching over us human beings, which sometimes arranges our affairs so that we can act according to our wishes. This Providence is watching over us. Be patient, it will turn out as you wish. But this hour belongs to us; trust in me and give me this hour wholly, undivided, as the holy hour that is mine alone.”

CHAPTER FIVE

THE court was crowded to suffocation; it was known that to-day Isidor Rosenthal would speak, and he was known to be the most eloquent advocate of Frankfort. His speech was well prepared; the words of individual witnesses, the scenes during the hearing of evidence, and many hitherto incomprehensible allusions, had already determined what lines the address was to take. Everyone understood that there was no question of a rebutting of the evidence, there would be no attempt at finding excuses or explanations, but a regular attack upon the persons engaged in the prosecution, and above all upon the examining magistrate who had taken the first steps in the case. And nothing could have been more to the taste of the public. All these men and women, with their fists clenched against the murderer, had sought shelter beneath the protecting wings of justice, calling for revenge—and yet, no sooner was a powerful voice raised against this protection of theirs, against the institution of justice and the men who served it, than the whole mob was ready to turn against these latter and to raise the hands that they had clenched in anger against

the murderer, upon those who bore the sword of justice.

That was why the advocate had such a grateful task, that was why Isidor Rosenthal smiled upon the crowd, as he rose to speak for the defence. He glistened like a black cat in the twilight, his robe lay in graceful folds about him, his linen was shining white, his black hair elegantly parted on one side; he swayed a little from the hips when he spoke, and when he smiled his brilliant teeth showed beneath the coal-black moustache. He was a remarkably handsome man and his Oriental features bore a stamp of nobility such as one finds in an Arabian sheik. There was not an atom of energy in the man that was not put to some purpose.

After formally bowing to the court, he began to speak. His voice was thoroughly trained, deep and sonorous; he seemed to form his sentences like one modelling in soft clay, but when formed they were as hard and firm as marble.

After the formal introduction he went on:

"In the year 1868 the respected Professor Sterner, of the University of Kiel, engaged the services of a young woman named Elisa Hansen, daughter of a pilot of Danish birth. The girl had received a good education and she was intrusted with the elementary instruction of the professor's eldest son, Fritz Sterner, whose further progress on the path of knowledge has brought such credit to his family and his country."

Nobody could guess what the advocate was driv-

ing at. Was this an introduction to the "extenuating circumstances"? Fritz Sterner looked at him in astonishment, with a strange, uncertain smile.

The counsel proceeded:

"In the year 1871 this young woman became engaged to an English sailor, who left his sweetheart to take his ship across the treacherous billows that were to be his grave. The year drew to a close and Elisa Hansen gave birth to a daughter. Gentlemen of the jury, it may seem to you that I am wandering far from the facts that form the groundwork of this case, but it is not so. That child which was born at Kiel in the year 1872 of the young woman whom fate had deprived of her support and left a mourning, unmarried widow, was Elisabeth Saarbrücken, the wife of the man against whom my learned friend has brought such a heavy charge, upon whose head he calls for such a fearful sentence. Gentlemen of the jury, you will understand it is not without reason that I have traced the fortunes of this lady so far back, and I beg you to bear in mind that she first saw the light of day in Professor Sterner's quiet, peaceful villa on the northern fiord, in the land that had then been newly won for Germany. Sterner was a mild, indulgent man, and he proved a kind master to the young woman.

"The lady of the house died, and this young woman continued for a couple of years in the learned man's establishment. Here her little daughter learned to take her first steps, supported by the hand of the

ten-year-old Fritz Sterner. The Professor married again, and the house received a new mistress.

“Then Elisa Hansen and her child went to the family of the little girl’s father, at Rigsby Abbey, near Rochester in Kent. The child’s grandfather was steward to Lord Hugh Laking, sixth Baron Faringdon, father of the young man whose sad death is the cause of your being called together here; you will understand, therefore, gentlemen of the jury, why I take you to a foreign land, to a nobleman’s seat in England.

“There the child grew up, and her mother married a trusty clerk in the office of his lordship’s estate, who bore the same name as the child’s father, and was a cousin of his. The little yellow-haired girl had an aristocratic playmate in young Lord Cecil, who was born in 1871, and was therefore only a year older than Elisabeth. In 1876 Lord Faringdon was left a widower, and the industrious German lady came to occupy a situation in his household as important as she had had in the German professor’s. In 1881 she had a son who is still alive. Time went on; the children grew up. Young Lord Faringdon was sent to Eaton, but he spent his holidays at home with his foster-sister, who grew more handsome year by year.

“Fritz Sterner became a student and took his degree with honours; the worthy professor went to his last rest, and the town and university raised a marble monument to him. It was evident, however, that a prouder monument would be raised to him by his son,

who was slowly but surely making for himself a leading position among his fellows.

“We now come to the year 1888. Lord Faringdon died that year; an accident during a yacht race at Cowes ended his life. His son was then seventeen and still a schoolboy. Among the documents of the case, which will be laid before you, gentlemen of the jury, is the letter which the young lord wrote on this occasion to his childhood's playmate. The same accident which deprived Lord Faringdon of his life made Elisabeth's mother a widow. And the changes that came about at Rigsby Abbey decided her to return to her native country, where she settled at Altona with her savings and opened a boarding-house for young gentlemen who through their studies or their work were obliged to live away from home. Among the first boarders that took up their quarters in the pleasant little house by the Elbe was Professor Sterner's son, the young Dr. Fritz Sterner, and once more the strange chances of life brought together the two who had passed their childhood under the same roof.”

There was breathless silence in the court; all eyes were turned on Sterner, who was carelessly leaning back, apparently without a notion that the matter concerned him. Frau Saarbrücken bent her thickly veiled head and fixed her eyes on the floor.

The advocate continued, and his voice was as soft as that of the sultana Scheherazade as she told story after story to her lord and master in the mild Eastern nights:

“ I am speaking here for a man’s welfare; it is my task to lift the fearful burden of accusation from the shoulders of the innocent; only one unhappy person exists for me: he who stands here before you, sorely tried, oppressed by suspicion, wearied and tormented by long imprisonment. It is my task to raise this burden from his shoulders; I cannot allow myself to be restrained by consideration for others. I am well aware that what I am about to say will leave a painful wound, will tear away the curtain that conceals the most sacred privacy of other’s feelings, but so it must be. Humanity demands that the life and secrets of individuals shall be of smaller consideration than the public security, which is the corner-stone of society. I shall keep strictly to the path I have laid out for myself, but along this path I shall go, without looking to the right hand or to the left.

“ The two were young, their hearts beat warmly, and their common memories of childhood built a charmed grotto over them both. How could it be otherwise? It is the old story—the story of life as it flows like a river between green banks.

“ The man who raised the charge against Helmuth Saarbrücken; the man who got together the formidable array of facts upon which my learned friend has based his awful accusation; the man who, standing at the bar of justice, called you together in the name of the State to pronounce sentence upon this accused person, was the same who, in the shady gardens by the bank of the Elbe, took in his arms the young woman

whose extraordinary destiny has been the chief cause of our being here to-day—prosecution and defence, judges and jury, to debate, deliberate and decide.

“For four happy years were Fritz Sterner and Elisabeth Gross engaged, destined to be man and wife.

“In the spring of 1893 Fritz Sterner started on a journey to the south and made a stay in North Italy and Corsica. It is to this journey that our German criminology owes one of its best and most valuable works, and Fritz Sterner's studies of Italian crime, his masterly refutation of Lombroso's theories, will always remain a brilliant monument of his lucid powers of thought and splendid penetration. From Corsica he sent his *fiancée* a souvenir, a sharp stiletto inscribed ‘Vendetta,’ the fatal weapon which now lies before you, gentlemen of the jury, with which the bloody deed in Homburg Park was accomplished, according to my learned friend's opinion. If this weapon could speak, no one would be better pleased than I; but it is dumb, hard and cold. The gift was accompanied by a little note, which circumstances have placed in my hands; I shall now read it to you, gentlemen:

“ ‘MY OWN:

“ ‘I send you a little sharp-pointed dagger, the messenger of vengeance between the hot-blooded sons of these mountains; you will know both it and them from Merimée's *Columba*, which we read together when you were so anxious to learn French “properly.”

With this dagger you can cut the sentimental novels you are so fond of, and so you will cure it of its thirst for blood; in any case those novels of yours are bloodless enough. I have bought myself the mate to it, which resembles your dagger as one drop of water another. I use mine to cut books of jurisprudence and to stab my antagonist Lombroso. Thus you and I will wield the dagger of Vendetta and conquer the world of books. The blood we seek is printing-ink.

“ ‘ I sharpen my sword in another way, you know, but if it comes to a pinch, the dagger is not a weapon to be despised. It gives a firm, short stroke, and Italy is the land of ambushes; we Germans prefer cudgels. But that you don’t understand; I am tired and annoyed because the Government has called me back; and I have only half finished. This and the dagger are all you will get to-day.

“ ‘ Your own

FRITZ.’

“ This dagger, then, gentlemen of the jury, is the weapon with which the murder was committed—this dagger which Dr. Fritz Sterner six years ago sent his *fiancée* from Corsica; this dagger, the mate to which lies bright and shining on Dr. Fritz Sterner’s table.

“ The young criminologist returned from the south that winter, was transferred to Berlin, and in the spring of 1894 he broke off his engagement to Elisabeth Gross. I have said that my course goes straight ahead; I do not wish to wound anyone’s feelings; I only wish to bring out the truth, the full truth, on behalf of him whose cause it is mine to defend. I have a letter in my hand, which will be laid before you, gentlemen; it gives the reason for the breaking

off of the engagement. I must say here what this reason was, though I know it will sound unpleasant in the ears of some. Dr. Sterner threw over his *fiancée* because she was poor; and because his worldly ambition pointed out to him the means of getting on, he threw her over to engage himself to the daughter of a rich banker, Ephraim Rosenthal, a first cousin of my father."

The advocate ceased speaking. Sterner had got up and for some time had been carrying on an earnest whispered conversation with the prosecutor. The president of the court made a sign to the defending counsel, who paused. Sterner and the president exchanged hurried whispers, and an audible murmur passed through the crowd in court. It seemed that Sterner was much excited. The president was calm and exchanged a few words with his colleagues on the bench, the two other judges who together with him formed the court. After a short consultation the president gave the advocate a sign to proceed, and all eyes followed Sterner, as with clenched teeth, very pale and evidently greatly excited, he made his way through the crowd and left the court.

Frau Elisabeth Saarbrücken sat leaning forward, with her head supported on her finely shaped hand. Her face was hidden by a veil and her figure was quite immovable.

Isidor Rosenthal continued:

"Gentlemen, I beg you to forgive this long introduction; you will see later on that every word in it is

of consequence. I now pass to the description of the protagonist in this drama, the man whose defence it is a duty, an honour and a proud thing for me to undertake."

The advocate then began in picturesque language to sketch a portrait of Helmuth Saarbrücken; he followed him from the cradle onwards, brought out one incident after another of his youth and manhood, dwelt on his yachting expeditions, told how at the risk of his own life he had twice saved people from perishing in the waves, described him, in short, as a hero, a worthy son of the German race, whose progress throughout the world is equivalent to the victory of civilisation and justice.

Rosenthal knew his audience. Saarbrücken's nature was of the bright, strong, Viking type that the Germans prize and adore; his figure was that of the knight who lives in the legends of the Rhingau, the hero of fairy-tales where the vine flourishes and the Lorelei strikes her harp by the steep banks of the Rhine. His deep, sonorous voice drew a gleaming picture surrounded by a wreath of vine-leaves, a picture that made the susceptible hearts of the Rhinelanders beat high, their cheeks glow and their eyes shine.

"Then in the autumn of 1894 this man met at Altona Fritz Sternér's rejected *fiancée*; he fell in love with her and offered her marriage. She answered him honestly that her heart had received a mortal wound, that she could not give him her love; and he

asked her in spite of that to be his. She accepted his hand and became his wife. He brought her away from her home with its sad memories, and strove to create new and happy surroundings for her in the city on the Main. He did not succeed. Married happiness can spring only from love, and her heart was doomed to silence. In vain he sought to rouse it from its heavy torpor. The marriage remained childless; the rays of happiness that shine in children's smiles never shed their light in the cold, stately rooms of the old house by the quays, where they had made their home. Helmuth Saarbrücken strove for two years to win his wife's love; he could gain only her confidence and respect. Then he tired of the struggle. I am not here to reproach him, and I shall not speak of the consolation he sought elsewhere, but when my learned friend calls him a profligate and a libertine, then I say No! Helmuth Saarbrücken is no libertine; he may be a warm-blooded man to whom life has denied the joy of lawful love, which centres round the hearth in lasting happiness, but at the same time he is a noble man, who, in a case where his life is at stake has commanded me, his defender, to preserve a secret, which would prove his alibi and his innocence, simply to guard a lady's honour!"

At this the audience came near to raising a cheer for the hero Saarbrücken!

The advocate proceeded:

"Then it happened last autumn that Frau Saarbrücken's brother, Johan Georg, was severely at-

tacked by consumption, and was sent to Dr. Dettweiler's sanatorium at Falkenstein, where Fritz Sterner's sister lives, as the wife of our celebrated townsman, Dr. Immermann. Fritz Sterner visited his sister, and after an interval of five years found the rejected sweetheart of his youth as the wife of another. He, too, had stood by a sick-bed in the same place. His *fiancée*, Fräulein Ruth Rosenthal, after lying hopelessly ill at Falkenstein for six months, had died, and his dreams of wealth through this marriage had come to naught.

"Here, I say, he met again his rejected sweetheart, and she loved him still—him whom she had never forgotten, for whom her faithful heart still beat in the same deep love. Gentlemen of the jury, you should mark well what I am about to say, but I beg you not to attach more importance to it than I attach myself. It is a fact, nothing more. As in this case I am protesting against more weight being attached to the facts than they naturally contain, I should be the last to force more meaning into these circumstances than the facts warrant. >

"Fritz Sterner had at his own request spent six months in England, with the object of studying English law. He was attached to the office of the well-known English solicitor, Sir Longland Hearne, of London, whose name my learned friend has made such powerful use of in the prosecution, and to whom I respectfully defer. What my learned friend has told you about this distinguished English lawyer and about

the will which made Elisabeth Saarbrücken the heiress of Lord Faringdon is true word for word. The peculiar tone in which the statement was made to you, by which it was directed against my client, belongs to my learned friend; it will not mislead anyone. I let all this stand, as the prosecution has stated it, as far as facts go; I will only add that Dr. Fritz Sterner was the man who, in the course of his training in English legal documents, sketched this will. This fact is well known; he himself has admitted it; if I mention it here, it is only because it does not appear in the documents of this case. It belongs to them, and now it is added to them.

“When, therefore, Dr. Fritz Sterner met again his former *fiancée* at Falkenstein, he was aware that besides being Saarbrücken's wife, she was Lord Faringdon's heiress. He talked to her; he had frequent and long conversations with her. He had no reason for telling her of this; why in the world should two people who had so much to say to each other about their common memories of the past talk about the present and its matter-of-fact events? If Elisabeth Saarbrücken had not forgotten Fritz Sterner, then he had forgotten her just as little. One always returns to one's first love, as our lively western neighbours say. And even if one is a Prussian criminal judge, one is not exempted from this universal rule.

“During this spring the young and promising jurist, whose career seemed to lie open to him, applied for and obtained the modest post of magistrate

at Homburg vor der Höhe. It was thought that he came here to be near the place where his *fiancée* had fought her last fight and now lay in her family vault in the Mosaic cemetery at Frankfort. I believe I may say that it was to be near that garden, where his first and only love was blossoming anew. I have mentioned the fact that Dr. Sterner and Frau Elisabeth Saarbrücken had long and frequent meetings at Falkenstein, where she visited her brother's sick-bed, and where he had the hospitality of his sister.

"I have not spoken of the man who was found one day murdered under the thick leaves of the rhododendrons in the park of Homburg. That is to say, I have described only the young lord who passed his holidays at the country-seat in Kent. I now return to him, and I beg you, gentlemen, to follow me back a few years."

The clock in court struck its firm strokes, and the president interrupted the advocate. The sitting was at an end; it was adjourned, and the court emptied slowly. The next day was a Jewish festival, and the following one a Catholic. The adjournment, therefore, was for two days; it was almost too much for the suspense of all concerned.

Isidor Rosenthal had had a great day; his friends flocked around him and shook his hand. His speech had made a mighty impression, and by so completely breaking away from the beaten path and throwing an entirely new element into the case, he had brought the expectation of the hearers to the utmost tension.

“What does he mean?” “What does he want to get at?” everyone was asking. “Is he going to accuse Sterner of using his official position in order to get rid of the man who stood between him and the woman he loved?” It was something so unexpected, so brutal, that it almost sounded like a romance full of incredible paradox.

Isidor Rosenthal smiled and said nothing. There was nothing to be got out of him; he quietly let people wait till the next sitting of the court; then they would find out what his object was—his object, which of course was nothing but the removal of every shadow of suspicion from Helmuth Saarbrücken.

But one thing leaked out in the business world of Frankfort—that the banking firm of Moritz Rosenthal & Co. had, since the opening of the trial, satisfied the creditors of Fürste & Wienecke with a reasonable settlement and had taken over the sole management of that firm's affairs.

CHAPTER SIX

STERNER left the court in a state of violent excitation. He had expected of course that the advocate would attack his labours in the case; he was also quite prepared to be paid out for the rather disobliging way in which he had received Rosenthal on their first meeting in connection with this affair; but he had never dreamt of hearing his private life exposed in turgid language before the gaping crowd. Nor had he expected that Isidor Rosenthal, who had the reputation of being a gallant man, would have given such pitiless publicity to Lizzie's concerns. Sterner had been engaged to Fräulein Rosenthal, a relative of the advocate; her family had been opposed to the match, because Sterner, like many North Germans, was not very friendly disposed towards the plutocracy of Frankfort. But the whole affair was in reality a delicate, extremely romantic story; the struggle of a poor girl with a fatal illness upon her to win a gleam of happiness; and Sterner had anyhow behaved both handsomely and chivalrously towards her. It was not to be supposed that the man who had been represented with so much eloquence—genuine or otherwise, it did not affect the

question—as one who for the sake of profit had deserted the love of his youth, as the advocate called it, renounced his bride, should appear surrounded by a halo to the crowd of chance listeners in a court of law. And it was obviously for this reason that Rosenthal had dragged the matter out—though Sterner guessed that there lay a deeper reason behind.

But it was quite enough that this man had flung at him the accusation of meanness that lay in the suggestion that he had “cherished dreams of wealth” through this projected marriage.

That was the sting.

In Lizzie he trusted absolutely, and he would talk to her about this and remove every doubt Rosenthal's speech might have raised; he knew well enough he would be able to do that, and one day they would have to talk of old times. He made up his mind that it should be now, and determined therefore to visit her the same afternoon at her home.

His indignation subsided little by little, and he regretted having shown signs of anger in court. It was unwise, and he determined for the future to have more command over himself. Lizzie especially must not notice that he was uneasy. And he was uneasy. He did not undervalue Rosenthal's ability, and he understood very well that this was only an introduction; for Lizzie, who was so much taken up by the thought of saving the man who was still her husband from being condemned as a murderer, it could only

be reassuring to feel that his defence was being ably carried on; but for Sterner himself, who held what he called the last cards, the question of how the defence was conducted was one of great importance, and if it undermined his authority, it could only damage him in the case.

For a moment he had an idea of going to see Rosenthal, but he gave it up immediately. After what had taken place it was impossible. Nor could he apply to the President; he had committed the mistake of trying to induce that official to interpose against Rosenthal. The President had very properly declined to do so and had called Sterner's attention to the fact that, as an official who had been connected with the case, he had a formal right to speak in court during the trial. This was correct; there was nothing more to be said.

But Sterner was nervous.

Lizzie must not notice anything. He went to see her and proposed a visit to Falkenstein in the glorious autumn weather. At first she said no, but Sterner insisted and carried the day. They took the train to Cronberg and walked together up the steep hill to the ruins of the old robbers' castle.

There they sat down under the great lime-tree; the place was lonely and no passers-by disturbed their conversation.

As was natural, they talked of the scene in court; Lizzie was sorrowful, shy, and retiring; Sterner resolved to speak out. It was his object to give her

encouragement, and above all to conceal the nervousness that continued to plague him.

They spoke of Rosenthal's offensive attack, and Sterner did not spare his opponent:

"While this charlatan was speaking I felt for the first time how wretchedly empty the art of oratory is. He did not know you, he did not know me. He talked of our love, as love is described in bad novels. And yet it sounded so natural to the others. It was lies every word—lies. What does he know about what I felt? What does he know about your motives? He talked about tearing aside the curtain that conceals the holy of holies. The mummer stood before his booth and gave a pantomime for the benefit of his honoured public, who paid him by the applause he was angling for. He read to the mob a couple of my letters to you—your letters that you sent me in your anger and which I destroyed, because I do not care for keeping letters which have reached their destination. Madame Schultz must have found an opportunity of stealing some of them; God knows what use the old woman thought she could make of them. But now she must have sold them to Schaltz.—Can you understand how this annoyed me?—I was not angry, my vexation was eating into me, because it was all lies, such thumping lies as a man can invent when he keeps within a few points of the truth. Try to play a Beethoven sonata half a tone false all through; it will be a concert fit to be performed in Dante's Inferno—and it was just that Rosenthal did to-day. Sometimes

he was half a tone too high, sometimes half a tone too low, there wasn't a true note in his speech. It was disgusting.

"And those idiots swallowed it all.

"That's why I went—I wouldn't listen to it, I wanted to get out into the open air, under the free sky.

"But it's no use talking about it; it's over and done with, and for you and me it doesn't matter; now I am calm again and don't grudge the fellow his success."

Lizzie looked at him seriously. "Don't you think it did us good to hear this? We have both sinned, you against me and I against you, and this was our punishment."

Sterner made a face.—"Dear Lizzie, you mustn't talk like that. Can't you understand how perfectly indifferent it is? It was only that it sounded so ugly, so repulsive in the false notes of that man's speech. In itself the whole story is clear and good, and even beautiful.

"Ruth Rosenthal was a strange girl; you know, we met in Corsica; she was consumptive, condemned to death, and she knew it. She conceived an affection for me, and used to say playfully that death should not cheat her of the only joy her life had offered her. That was romantic—she was romantic. She was marvellously handsome, with a gentle, Oriental kind of beauty, and she was the cleverest woman I have known; when only twenty she possessed a store of

knowledge such as I have never met with before. It was a whim of hers, a fantastic idea; you remember the letter she wrote to you—you did not answer because you did not understand her. She wrote that in two years she would be dead, that you must wait two years. I told her no lies; I admit that she exercised a wonderful influence over me during those days spent under the southern sun—but I did not love her, and I did not lie to her.

“It sounds commonplace and stupid when I say it, but I could not find it in my heart to refuse her—I humoured her, not as that talking-machine said to-day, because she was rich, but because I thought it would be a crime to deprive her of her happiness—what she called her happiness——”

Lizzie interrupted him.

“But how could you—you who were mine, who had given me your word?”

Sterner took her hand. “I could then, Lizzie, and I will tell you why. I loved you the day I saw you here at Falkenstein for the first time as Saarbrücken’s wife. You mustn’t take your hand away, Lizzie, I’m holding it and I shall hold it fast forever. But that is the truth. We played together as children, we pretended that we were meant for each other when we were little. We met again; you were then a young woman, just entering life. Our childhood’s friendship was renewed, and in our inexperience we called it love. I wonder we did not use the wrong name. No, Lizzie, I’m not saying this to excuse my conduct. I

feel that it is in no need of excuses and I stand by it. What I am saying is true. And when I became conscious of my love for you, when we met again the other day, I felt that I was in love for the first time. When we were young, when we exchanged vows, as he put it to-day, then we were friends and companions—and those were happy days—but not lovers. I say that, because now I know what love is. And therefore I could humour Ruth Rosenthal, therefore I could be false to you, as you call it—my friendship to the dear companion of my youth remained unaltered. And you—you married Saarbrücken——”

Lizzie tore her hand away. “I married him, yes, but I loved you—I know no distinction between early friendship and love, as you do—I have loved you since the first day we met as grown-up man and woman, yes, long before, I have always loved you—and when I broke with you, I did it in anger—deeply wounded as I was—call it revenge——”

“Lizzie, Lizzie,” said Sterner with a smile, “you mustn’t use words you can’t manage. All that you are saying comes straight out of a modern drama of marriage, it is French, it is Northern, it is Pan-German, it is anything but you. May I tell the story, as you would tell it, if you were able to define why you married him. It sounds just like an everyday story, so plain and North German, but still so true; you married because your mother wished you to, because you were poor, your mother was weary and Saarbrücken was rich. Yes, yes, yes, you’re not to frown

like that. I know so well that for you money is indifferent—but your mother's wishes, your mother's prayers are not indifferent. You were hurt, you did not answer, you shyly hid yourself with your sorrow, just as lately, when we met again, you anxiously avoided me and did not come to me until there was a question of saving a man's life—Lizzie, you are like an open book to me, and that is why I love you. Your marriage with Saarbrücken was a sacrifice; it does not make you appear great in the eyes of the world, that kind of sacrifice never does; but it does not lessen you in my eyes, because I understand you. But the truth is this, Lizzie, that neither you nor I knew before what love was. We all think we know it, we read about it in books, we see love depicted in plays, we see it in real life—that is, we see the effects of it, and only the few psychologists see what love *is*. But everyone, even the simplest peasant girl, can feel love, and no one makes any mistake about the feeling. Our happiness has come now, it is for us to hold it fast, not to talk about how we have wronged each other.

“When you avoided me the other day, when we met again, when you dared not to speak to me or confide your sorrows to me—when you deputed your childhood's friend Cecil to open the way for me by a divorce—for that was your object—then I saw that you loved me, then I saw that now it was love, although you did not throw yourself into my arms and hide your face on my breast, as you did long ago.

Strange are the ways of men; but even if they say that youth is the time for love, it must console us, when youth departs, to think that love gains an additional joy, and instead of being an involuntary utterance of the senses, it is fully conscious to our brain. And if there has been yielding and deserting—if there has been repentance and atonement—then it becomes an infinitely greater happiness to reach the point we two have reached.”

Lizzie wanted to speak.

He took her in his arms and closed her lips with a kiss.

Only one.

She shook her head.

Then she smiled again.

X “We need not have talked about that, Lizzie, it came of itself, for neither you nor I would have things different from what they are. We will forget the awkward player, we will sympathise with his audience who have so little ear for music, and we will speak of the many far more important things that now occupy our attention.

“And to show what sensible and rational people we are, we will now go down to the Erbkönig and drink a glass of Assmannshausen with a salmon from the Rhine; there is some sense in that, and both you and I will be the better for it.”

Lizzie protested.

Sterner laughed. “Without food and wine, Lizzie, the campaign will go badly. I allowed myself to

be annoyed, it was stupid; now I have come to my senses again, and now I'm going to eat Rhine salmon with you."

"But people——!"

"People—dearest Lizzie, for us people don't exist. Come."

Lizzie went with him, and soon they were sitting under the Erbkönig's loggia, while the sun sank over Falkenstein and the reddened tree-tops of the forest.

Lizzie was surprised to see how gay Sterner was, as though he had violently shaken off all his seriousness; he laughed and joked not nervously but quite naturally, just as if it had been a merry holiday excursion, and not a meeting with the woman he loved at a time when the welfare of both was at stake and a trial for murder threw its shadow over their path.

"Fritz," said Lizzie, as they were leaving, "to-day it occurred to me that if they concluded the case before you came, you would not be able to fulfil your promise to me."

Sterner laughed. "A needless anxiety, Lizzie; I can assure you that the cask Rosenthal opened to-day will furnish drink for at least one day more. I told you that I am not going to speak until the others have let off all their froth. It's a great mistake to mix sound reason with the speech of fools."

"You don't do Rosenthal justice," said Lizzie seriously. "His language is high-flown and bombastic, it is true, but he has a gift."

Sterner shrugged his shoulders.

"I think if I chose I could crush him by intervening in this case. I am strong, I have power over my words and my thoughts. It takes ten men like Rosenthal to make one of me. That's rather a bragging expression, but I know what I'm saying. I can tell you, I was burning to stand up and show the fellow how empty and hollow his eloquence was and how few words it would take to put him down. Of course, I didn't do it—I don't do tricks of that kind. Wait and see; what I have to say will come just where it will take effect, and without any waste of words."

"What do you think he will try to do?" asked Lizzie.

"First of all, save Saarbrücken's neck by pulling the circumstantial evidence to pieces. Perhaps that's not so very difficult, though it will be a fine piece of work to do it well. After that comes his crowning feat, to show that I am Saarbrücken's personal enemy, and that therefore not the slightest weight is to be attached to the evidence I have got together. Let him do it; it is I that have the last word in the matter."

"Do you think that is all?"

"Everything is possible," Sterner answered; "but after all, Lizzie, do you think it is wise of us to speculate about what Mr. Isidor Rosenthal may take it into his head to say? It would be another thing if we were fighting him, if I were prosecutor in this case or even if I had an interest in proving Saarbrücken's guilt. But I am a spectator, nothing else,

and besides that I have promised you, if I am able, to save his wretched life. Not at the expense of truth, but—well, we needn't talk about that; I shall keep my promise. What we ought to be talking about, though, is what you had better do, when—as is quite likely after what has happened to-day—your husband is let out of prison.”

Lizzie blushed.

“You must go away, Lizzie, you must go to-morrow, not later. There will be some business to settle, and that I shall have to do with Herr Isidor Rosenthal. It will be quite a treat to me to pay that gentleman a visit in his office and talk business with him, though I admit that in financial and commercial questions Herr Isidor Rosenthal is certainly my superior.”

“I believe you don't do Rosenthal justice,” said Lizzie. “He is clever, and he knows what he wants. You saw how he changed the whole atmosphere of the case to-day—changed it so that one could not recognise it as the same.”

Sterner raised his glass and said with a smile: “I shall not drink to Rosenthal's prosperity, that would be insulting this good wine; but I drink to the happy chance that made him the second speaker instead of the first; for if he had been the first, dear Lizzie, you would not have come to see me, and all that which stood between us would not be buried in the ground that grew this grape.”

Lizzie smiled.

Sterner that evening was more jocular than he had been for years, and Lizzie wondered at it. It had never been his way, so why should it be so just now? —but she did not ask.

It was arranged that she should go to England on the following day and there await news from Sterner. She relied on his intervening, as he had promised, if it became necessary.

They separated early, and Sterner drove back to Homburg. Outside his house he met Schaltz, who stepped aside and saluted respectfully.

Sterner stopped. "Oh, Schaltz," he said in a casual way: "tell me, is it to you we own the valuable information from Hamburg?"

Schaltz turned red.

Sterner surveyed him calmly. "You are making a mistake, my good Schaltz. It takes sharper wits than yours to carry out a masterstroke; and this *might* have been a masterstroke. The blow that is aimed at me will fall short."

Schaltz still said nothing.

Sterner felt a sudden desire to push the matter to extremes. He added in a perfectly quiet and cool tone:

"You should advise Herr Rosenthal to accuse *me* directly of committing the murder. And then you should prove it. That would anyhow be something of an achievement. To produce a couple of letters, stolen by an unfaithful servant, is nothing much to boast of."

Then he turned on his heel and went on.

Schraltz stood still quite confused. He then went to the advocate and told him of the encounter. Strangely enough, Sterner's words made no impression on Rosenthal.

His plans were already made, and he kept them to himself.

CHAPTER SEVEN

THE proceedings in the murder trial were resumed on the appointed day. The court was full. Sterner was present, but not the wife of the accused.

Isidor Rosenthal had enjoyed his triumph to the full; he seemed actually to have grown an inch in height, and his delivery was broader, more self-confident; he knew that the whole assembly was hanging on his lips and listening with intense excitement to every word.

He knew, too, that he held his great cards in reserve—the splendid trumps he was to play out to-day before the gaping crowd. Not a word had he let out beforehand.

He began with a description of Lord Faringdon's person and of the course of his life, carefully following the particulars he had obtained through Mr. Wells; then he went on to the events at Homburg during the last few days before the murder, dwelling at length on Frau Saarbrücken's frequent visits to Falkenstein and her meetings with Sterner. He also dwelt on Frau Saarbrücken's application for divorce, and on the attentions paid to her by Lord Faringdon.

Then at last he came to the important point.

There was dead silence in court.

"I come now to the events of the seventh of July, 1898, and first of all I ask, What do we know? We know that Lord Faringdon and Herr Saarbrücken dined together at the hotel, that Lord Faringdon had requested his friend's permission to visit his wife privately at Frankfort, and that Saarbrücken had agreed to meet his wife's wishes with regard to the divorce. The accused says that when the boy brought him the locket with his wife's initial and a lock of her hair, Lord Faringdon asked him for it, and Saarbrücken gave it to him, so that he might use it as a sign of her husband's consent to their final separation. If this is true, as everything seems to show, then the first piece of circumstantial evidence, this locket, loses its force.

"On the evening of the seventh of July the locket was in Lord Faringdon's possession, not in Saarbrücken's.

"Lord Faringdon went to Frankfort; he looked for the lady where he expected to find her; he was told that she had gone by Cronberg to Falkenstein, to her mother. I come now to a point to which the magistrate has not attached sufficient importance, but which to my mind is the most important in the whole case. In the pocket of the murdered man was found a return ticket from Cronberg to Frankfort. It has been impossible to show by what train he returned from Frankfort, but the prosecution has

not been able to show how he spent his time that evening.

"Here I have a new fact. I shall prove that Lord Faringdon was in Frankfort, and that he was directed to Cronberg on the evening of the seventh by a manservant at Saarbrücken's house.

"It is true that his presence at Cronberg is not fully proved; a waiter at the railway hotel saw a man who to all appearance must have been he. He left the hotel to look for a carriage to go to Falkenstein, and since that no one saw him. He was in possession of a return ticket to Frankfort, which he did not use. He did not return to Frankfort, I say. He did not expect to be returning to Homburg, otherwise he would have had a return ticket between Frankfort and Homburg. He was found murdered in Homburg Park on the eighth at five o'clock in the afternoon.

"It is incredible that the murder was committed by daylight in the much-frequented park. The sun rises at three.

"Therefore in the interval between twelve o'clock and three he must have returned to Homburg without passing by Frankfort.

"He may have taken a carriage at Cronberg and driven the short distance. This is improbable, since evidently he was in no hurry to get back to Homburg and would certainly have taken the train. How then did he get back?

"I have now reached a point, gentlemen of the jury, when I feel that you will listen with astonish-

ment to what I am going to say. It is a hypothesis that I advance, a hypothesis that seems to cast a shadow upon a man whose behaviour does not seem to warrant it. But just because it is a strong man, capable of defending himself, whom I attack, I feel no compunction in making that attack. I affirm that the man who made it possible for Lord Faringdon to cover the distance between Cronberg and Homburg on the night of July 7, before three o'clock, was Dr. Fritz Sterner, in whose automobile Lord Faringdon traversed the distance from Cronberg to the spot where he met his death!"

Isidor Rosenthal ceased speaking, and a wave of murmurs rose and fell through the court. All eyes were turned on Sterner, who was leaning back in his chair with his arms crossed. His features were unmoved. Apparently the stroke had missed him altogether.

The president of the court sprang up, leaned forward towards Sterner and asked him, in a voice trembling with emotion, whether he wished to reply at once.

"No," answered Sterner briefly; "I want to know what that man still has to say."

Isidor Rosenthal continued; he described Dr. Sterner's motoring expeditions, and brought out that on the afternoon of the seventh of July he had left Homburg on one of his usual trips to Cronberg and Falkenstein; how Schaltz had called on him in vain at ten o'clock that evening, and how his housekeeper

had given the information that he returned late that night.

He went on: "I do not wish to accuse Dr. Sterner of the murder of Lord Faringdon; if that had been my intention, I should have gone to the prosecution with my evidence, as soon as I had collected the materials on which my speech for the defence is based. I repeat, I do not wish to accuse Dr. Sterner of murder. I appear for the defence, not for the prosecution, but I shall put one set of circumstantial evidence against the other, to show how little weight should be attached to it. From the moment Lord Faringdon leaves the hotel at Cronberg, we know nothing at all about him. I presume he returned to Homburg with Dr. Sterner. I now ask you to follow me while I set forth the double series of circumstantial evidence, directed on the one side against the accused, Saarbrücken, and on the other against the magistrate, Sterner.

"Against Saarbrücken we have:

"1. The affair of the locket, which I have cleared up.

"2. His absence from the hotel between 12 and 1.30, which I shall not explain, since a lady's name is connected with this circumstance, and my client, who has given me a full explanation, has made me swear that I will not utter this name, even if it should cost him a sentence.

"3. The state of his finances and his debt to Lord Faringdon.

"4. The circumstance that his wife was the lat-

ter's heiress, a circumstance which loses all its weight when we remember that he was on the point of agreeing to a divorce.

" 5. The circumstance that the dagger fits the wound.

" 6 The circumstance that a witness states that she saw him in the Park at half an hour after midnight, near the scene of the murder.

" I beg you to notice that all these circumstances can very well be explained away, but that they can just as easily be explained in a way which rouses most serious suspicions as to my client's guilt. I shall, therefore, before going any further, place before you the other set of circumstantial evidence, which can be directed against Dr. Sterner:

" 1. He can be proved to have been absent from his home during the same time as Saarbrücken; it is true that he has not been asked to explain his doings during these hours; but if he does explain them, in all probability his explanation will be no more satisfactory than I admit my client's to be. As to the drive to Homburg, he must be able to give information if he will.

" 2. He was formally engaged to Frau Saarbrücken, left her for another, and afterwards resumed his friendship with her, during the time immediately preceding the murder.

" 3. He left her because she was poor; afterwards he knew she would be rich, in the event of Lord Farington's death.

“ 4. Lord Faringdon’s appearance in the rôle of her admirer; he had known her as a child, and he had just obtained her husband’s consent to make way for him. Dr. Sterner was active in promoting the divorce. Are we to suppose that his object was to allow the sweetheart of his youth to become Lord Faringdon’s wife?

“ 5. Dr. Sterner has in his possession a dagger—an absolute match to the one with which the murder was committed, as is supposed. I shall now take the liberty of reading a passage from Dr. Sterner’s justly famous book, ‘On Criminal Investigation,’ page 166:

“ It is of great importance that the investigating magistrate should be acquainted with the use of weapons, especially of such weapons as leave an unmistakable mark in the wound, the dagger, for instance, a favourite weapon with Italians. The author, during a stay in Corsica, has himself taken lessons in the use of the national vendetta-dagger, and according to the opinion of his master, an out-and-out bandit, acquired the twelve or fourteen different master-strokes, delivered from before, from behind, from above, and from below, according to the laws of this noble science of attacking the unarmed. On some occasions the author has made successful use of his knowledge and skill.”

Isidor Rosenthal again made a pause.

Sterner’s face was unmoved; he sat leaning back in his chair as though the whole thing did not concern him at all.

There was great commotion in court. The president had to call for silence; he turned again to Sterner, and asked him, this time in a stiff, almost unfriendly tone:

“Do you still wish to make no statement?”

“No,” Sterner answered shortly, with a bow to the president.

The president made a sign to Rosenthal to continue.

The advocate turned towards the jury. “Gentlemen of the jury, if Dr. Sterner stood before you charged with murder on the strength of what I have mentioned, would you then dare to say: This man has murdered the admirer of his first love, whose death would make her rich; while he threw her over because she was poor; he has given way to his passion, when he was alone with his victim on a dark night, and under such circumstances that he would be able in his official capacity to throw the guilt upon another, against whom at first sight everything seems to speak?”

“Gentlemen, I think not. I think that upon such evidence you would not venture to find Dr. Sterner guilty of murder.

“And I venture to say that the evidence against my client is much less than this.

“For what is the meaning of this circumstantial evidence which from the very first day, here as everywhere that the news of Lord Faringdon’s death was made known, has been sufficient to stamp Saarbrücken

as his murderer? Each circumstance by itself means nothing. That Herr Saarbrücken owed money to a friend, and that the death of this friend might have made him a rich man, is in itself no reason for suspecting him of having murdered that friend. But it becomes downright inadmissible to draw this conclusion from these facts, when it has been established that on the very day Saarbrücken had come to an arrangement with Lord Faringdon whereby his wife would be set free and at the same time their money matters would be settled. This has not been proved, but I ask you to note that Saarbrücken's statement to this effect is confirmed by his wife's communication to the court, that she expected Lord Faringdon that evening about the matter in question, and that he went to Cronberg presumably to find her. What if we were to suppose in this case that the circumstance of Lord Faringdon's death making a rich woman of the lady he loved was an indication that Dr. Sterner was the murderer? Would anyone believe in that assumption? And yet the fact is that, while an agreement for the divorce, such as Saarbrücken says had taken place, would remove all inducement for Saarbrücken to commit the crime, the same agreement would make no difference at all in Dr. Sterner's position. Is it not therefore absurd to call this a piece of evidence against Saarbrücken?

"I shall not refer again to the locket; that does not need further refutation; nor to the question of

the dagger! I have shown that there are two daggers, and their name no doubt is legion.

"There is, however, one point I must dwell upon: the statement that Saarbrücken was seen in the park. It is correct. If he refuses to explain it, it is because it is connected with the duty of silence which he so chivalrously maintains on this point. You know me, gentlemen of the jury, and I believe my words have weight with you. Saarbrücken's presence at that spot has been fully explained to me. I am pledged to silence, and I must renounce the explanation of this fact. If, gentlemen, you will condemn Saarbrücken to death on this piece of evidence, then why not condemn the woman who saw him?—she was there too; and if, as I have shown, the circumstances do not justify us in regarding Saarbrücken as Lord Faringdon's murderer, what is there then to throw suspicion upon him rather than upon her?

"However, it is not my intention to accuse this poor woman; there must be more who were in Hom-burg Park that night, and if that is all the evidence against them, it is nothing. I might ask Dr. Sterner: Where were you on the night of the 7th-8th July last, at half an hour after midnight? I must insist most emphatically that on the basis of the evidence that has been produced, Saarbrücken cannot be convicted. He had absolutely no real interest in the death of Lord Faringdon; on the contrary, with his wife opposed to him and supported by a stranger, and with the question of the legacy and whether it was to come

to them both or to his wife alone still undecided, he would be far worse off after his friend's death than when he was alive. And yet he is accused of the murder, while there seems to have been no hesitation about placing the attack upon him in the hands of a man who in Lord Faringdon's death would see the accomplishment of his dearest wishes, for whom that event would open the way at once to happiness and wealth—and the only way.

“That is what one may call convicting a man on circumstantial evidence!”

The advocate concluded with a great sweep of the hand, bowing to Sterner. “I shall now conclude, and I am convinced that Dr. Sterner will forgive me for having in the course of my speech raised hypotheses, which it will be easy for him to reduce to the place they ought properly to occupy in the case.”

There was a great sensation in court as the advocate took his place, and some little time elapsed before order was restored.

Counsel for prosecution rose, and turned directly to Dr. Sterner.

“Before I reply to my learned friend, whose speech I have listened to with increasing astonishment, I trust the court will allow Dr. Sterner, who is here present, and against whom the counsel for the defence has made an attack, of which I have never heard the like, in the course of a long practice at the bar, to make a few remarks which may have the effect of bringing the case down to *terra firma* again from

the heights of romance to which my learned friend has exalted it. It would have been better, though no doubt superficially less striking, if the defence had prepared the way during the hearing of evidence for this truly romantic point of view which has been adopted in the speech for the defence. Here it cannot be denied that it came upon us as a surprise. But, as I was saying, Dr. Sterner, to whose excellent work in this case I have already had the pleasure of alluding, will no doubt bring my learned friend down again from the clouds with which he is trying to surround this terrible, but none the less comparatively uncomplicated affair."

The president conferred with his colleagues on the bench. It was evident that the audience was awaiting with intense excitement the moment when Sterner would rise to speak. For he *must* speak—everyone felt that. To all intents and purposes Rosenthal had accused him of murder.

The prosecuting counsel was right; such a wildly romantic issue to this celebrated case was more than the most imaginative of those present had expected.

The lawyers in court seemed paralysed. Saarbrücken sat in silence, impenetrable as ever. At this moment the eyes of all were turned, not upon him, but upon the other accused, who, though he did not stand at the bar, had suddenly taken the place of the prisoner in the minds of all.

Dr. Sterner stood up, and after a bow to the president, began to speak in a clear, firm voice:

“ I shall be as brief as possible. Counsel for the defence has not attacked my conduct as a magistrate—in any case not openly. He has made a covert attack on my private life, which has nothing to do with this case. What reasons I had for breaking off my engagement with Fräulein Gross, which was done by mutual consent, does not concern the public, nor does it concern this case. My relations to my deceased *fiancée* have never been the subject of any attack; they are sacred to me, and have always been sacred. On this part of the defence I shall have nothing to say, and had counsel confined himself to these remarks, I should not have spoken.”

Sterner made a short pause; the audience was perceptibly disappointed; they had expected an interesting bit of private history and felt that they had been cheated. Feeling was strong against the magistrate. He proceeded without taking his eyes from the president:

“ On the other hand, there is one point that I must touch upon. It is a hypothesis that the defence has set up; the hypothesis that the murdered man returned from Cronberg to Homburg in my automobile, with me. Counsel for the defence described this as a hypothesis; it is the boldest of its kind that I have ever heard in a court of law; it compels my respect for the eminent advocate who appears for the defence. It compels my admiration, I say, not because it is bold, but because it is *correct*! ”

All at once the court became absolutely still, as

though it was empty. A few seconds passed, and then there was a buzzing, as it were, over the heads of the crowd, not of words, but of thoughts. This buzzing resolved itself here and there into single broken words, with a gradually growing noise.

The president commanded silence.

Sterner continued, unmoved as before, turning towards the president:

“Lord Faringdon was at Cronberg on the evening he was murdered. I was there, too, as often before, on a visit to my sister and my brother-in-law. As I came down the hill at Falkenstein and was going to turn into the road that leads past the castle to Homburg, I was stopped by Lord Faringdon, whom I knew, though only slightly. He told me he had missed the train and asked me to give him a lift in my car, which, of course, I did. On the way we talked of indifferent things, and arrived at Homburg at half past ten, just as it became quite dark. Lord Faringdon did not want to stop at the hotel, where he was staying, but asked me to put him down at the end of the old town; here he said good-bye to me and thanked me for the lift. All this is perfectly natural.”

The president interrupted, rather sharply: “It seems to me, Dr. Sterner, that this statement should have been included in the documents. That it is not there is your fault.”

Sterner drew himself up and replied in a firm, clear voice: “There I am obliged to disagree with the president of the court. I acted within my rights, as I

shall prove. After Lord Faringdon had left me, he was murdered. As soon as the murder became known by the finding of the body, I was charged, as part of my official duty, with the investigation of the affair. I am a magistrate, and after the laws of the land, my own conviction is my only guidance. I did not murder Lord Faringdon. I say this merely in passing; no one has accused me, not even the defence; and if anyone accuses me, I am prepared to place myself at the disposition of a new inquiry. At present I make the statement only as a matter of form. I did not murder Lord Faringdon. I therefore at once considered the case in the light of the facts that were before me—that he had left me at half-past ten without saying more than that he had to meet a friend and did not want to be observed. Later on I constructed the picture of the crime necessary for the investigation, which is set forth in my official report of the inquiry.

“Everyone will grant me that at this stage all I had to deal with pointed to others. What I knew myself was only this, that Lord Faringdon’s journey from Frankfort through Cronberg, and especially his return from Cronberg to Homburg, had nothing to do with the murder. I began to prepare the case and accumulated a considerable quantity of material. Then I was asked to withdraw from the case, and, against my first determination, I did so. So long as the case lay in *my* hands, there was no hurry about adding to the papers what I alone knew; but what I

knew in such a way that, without being included in the papers, it was known to the court.

"I retired. Under ordinary circumstances I should have made the addition to the documents; I omitted to do so under these special circumstances, and, as it seems to me, I was fully justified. For I should only have confused the case for the prosecution. I was and am still officially convinced that the accused is guilty. I knew, to begin with, that the English next of kin to the murdered man would throw suspicion in another direction. My withdrawal, in combination with the new explanation, would have rendered the prosecution powerless, disturbed the clues and done an immense deal of harm. I said nothing. There was no decisive information to be found in the circumstance I suppressed, none at all! The inquiry would not thereby have been brought one step further; on the contrary, all that had hitherto been clear would have been made obscure.

"Therefore I said nothing. Now it so happens that the question has been raised; as a hypothesis, certainly; but my presence here and my official position make it my duty to speak. I no longer have anything directly to do with the case, but my duty as a citizen, supplementing my official duty, obliges me in the service of truth to confirm the hypothesis of the defence. This I have done. I must, however, add the remark that the statement of counsel to the effect that the murdered man had no return ticket from Frankfort to Homburg contains something like a false in-

sinuation. If I remember right, the murdered man had a season ticket between Frankfort and Homburg. Doubtless he did not use it on the evening in question, but he had it. The other hypothesis of the defence, about my supposed relations with the wife of the accused, as well as the fantastic account of my alleged skill with weapons, I may well leave untouched. I am not accused. I shall not criticise my colleagues' labours in the case, but I must admit—and perhaps my words will have some weight—that it has not been fully cleared up.

“When on July 17th last I formally retired from the case, I became a spectator. Mrs. Saarbrücken, who during the whole time has shown the greatest sympathy for the accused, and who has refused to take advantage of his position to go on with the divorce case which had already been prepared—Mrs. Saarbrücken, I say, begged me very urgently to help her husband. Under ordinary circumstances nothing would be more welcome to me than to comply with every one of Mrs. Saarbrücken's wishes, to say nothing of so noble and unselfish a wish as this—but my answer was *No*.

“I consider Saarbrücken guilty—I still consider him at this moment guilty of Lord Faringdon's death, and yet, if I now decide to step out of the circle of mere spectators, where I have a full right to remain, it is to comply with Mrs. Saarbrücken's wish and bring him help.”

There was a threatening murmur in court, a mur-

mur that swelled into loud-voiced speech, into cries, until the president had to make an urgent demand for silence.

Sterner threw a glance at the clock. "Gentlemen of the jury, in a few minutes that venerable clock will strike the hour of adjournment. When you once more assemble in this court, I shall appear before you armed with what I call my vouchers, and challenge your verdict."

At that moment the clock sounded its hollow strokes and the sitting was at an end.

CHAPTER EIGHT

THE evening papers were taken up almost entirely with reports of the great trial. The Social Democratic, the Liberal and the Catholic press immediately sided against Dr. Sterner, demanded his arrest and that an investigation of his conduct be commenced without delay. The business organs, mainly Jewish, took the matter calmly, with emphatic praise for the brilliant defence, but were not uninfluenced by the practical question of Lord Faringdon's inheritance, which was destined to be an important factor for the banking house interested in the affairs of Fürste & Wienecke. If Sterner was guilty, if Lord Faringdon was murdered for the sake of the inheritance, then how would the matter stand with regard to Saarbrücken's wife—could she inherit?

The Government press defended Sterner and used strong words about Oriental imagination. The case was still open; it was still quite possible to take it up again, and in any event the public must rely upon the experience of the judicial department and await calmly the steps that those concerned would assuredly take at the proper time; above all, it was necessary

to avoid throwing themselves with unseemly haste upon a respected and hitherto irreproachable man, who must be given time and opportunity to clear himself, as undoubtedly he would.

Isidor Rosenthal enjoyed his victory, but did not therefore neglect the practical aspect of the case.

The house of Fürste & Wienecke was being administered by the firm of Moritz Rosenthal & Co. It was a very bad business, and there had been a good deal of cavilling over the rash speculation upon which that respected house had entered. The partners in Moritz Rosenthal & Co. pressed their relative the advocate hard.

The whole question resolved itself into one of landing the English legacy. That Saarbrücken would be acquitted the advocate had no doubt, but Sterner's speech in court had given him something to think of. It was a challenge to him—to him as Saarbrücken's adviser in business matters, Sterner had said—to save Saarbrücken's neck. But at the same time he had said that Saarbrücken was guilty. In other words, a new point had arisen, which the advocate could not overlook.

Sterner's conduct in court was correct, whatever the papers might say—if the magistrate had confined himself to answering the direct attack, the acquittal would have been certain; but the advocate understood very well that Sterner could not do that. His position as a magistrate was at stake. Where his conduct was incorrect, was in omitting to inform Dr. Braun

that he had driven Lord Faringdon back to Hom-burg that night. But that was an omission that could be remedied. As a fact, Sterner had only had the case in his hands for a week; if he could now produce in court proofs that would clear up the case, then all this would be retrieved and Sterner would appear once more as the one right man.

That was evidently his object, and Sterner was not given to boasting. If he now came forward, it was because he had cards in his hand that would give him the game.

But what cards?

Rosenthal was sitting in his study, buried in the case; he was trying to find the new clue that Sterner would follow. There was a ring at the bell, and his servant announced—Dr. Sterner.

Rosenthal jumped up—instantly sat down again and gave orders to show Dr. Sterner in. He received him with studied courtesy. He knew that if Sterner came to see him, it was about something important, and he was too clever a man to underestimate his opponent's ability.

This was to be a single combat, and not the pursuit of a beaten enemy. The magistrate walked in with a certain smiling superiority, which increased the advocate's caution.

Rosenthal offered Sterner a chair, and took his seat at his writing-table, where documents were piled up in picturesque disorder.

Sterner leaned back in his chair and took a good

look at the advocate; he seemed to be turning over his words before he spoke.

"You are Herr Saarbrücken's legal adviser in all his affairs?"

The advocate bowed.

"Good," continued Sterner. "I shall have to correspond with him on behalf of Frau Saarbrücken about the divorce. I wish to be of service to her, and therefore I come to you. Has Herr Saarbrücken talked to you on this matter?"

"No," answered the advocate shortly. Sterner could see that he was not speaking the truth.

The advocate went on: "Besides, it is a private matter."

Sterner did not allow himself to be disturbed; he continued in the same tone: "I think you must admit, though, that it is not altogether a private matter. Frau Saarbrücken is still here. Lord Faringdon's legacy has not yet been paid; it amounts, as perhaps you know, to 120,000 pounds sterling, or about two and a half million marks. Frau Saarbrücken does not wish it to be paid, because she is living under community of goods with her husband. I will add that I am aware that you have tried on his behalf to have the matter settled, but that you have met with difficulties in London."

The advocate bit his lip: "Difficulties to which you are not a stranger."

"Quite right," remarked Sterner coolly. "Difficulties which it will not be easy to remove."

"We shall see about that," said the advocate.

Sterner smiled: "We two know each other, Herr Rosenthal. I don't suppose you take me for a child. If I come to see you, it is because I mean business. Frau Saarbrücken is willing to buy her freedom. And, that we may not play at hide-and-seek with each other and waste any more time, let me tell you that she knows the house of Fürste & Wienecke is insolvent and that Moritz Rosenthal & Co. have an interest in the finances of the firm in question. This is simply a matter of business, and as Frau Saarbrücken is the one who makes the offer, she makes a liberal one. She offers half, a million and two-thirds."

The advocate started, but controlled himself.

Sterner said nothing.

There was a pause.

Sterner continued without the slightest trace of impatience: "You will understand from this offer how important it is to Frau Saarbrücken."

"And you," the advocate put in sharply. He regretted it.

"And me," repeated Sterner quite coolly.

"You intend, then, to marry Frau Saarbrücken?"

"If it will make our conference any easier, I don't mind telling you,—yes."

There was another pause.

The advocate got up again; he regretted having made a mistake, but the money was a good round sum all the same. He walked up and down.

"I don't think Saarbrücken will take it."

Sterner smiled: "Shall we be frank with each other? Not for moral reasons, but because it will help the business. Saarbrücken will do exactly what *you* tell him, and nothing else. Well, yes, he will try not to go bankrupt and be ruined."

The advocate sat down again. "I won't take it."

"Why not?" asked Sterner.

"Simply because it would be stupid to be satisfied with half when we can get the whole."

"After bringing an action?" Sterner suggested.

"The firm of Moritz Rosenthal can afford to wait fifty years, if necessary," said the advocate with self-satisfaction.

Sterner smiled: "You admit, then, that it is a matter of business between Frau Saarbrücken and you?"

"No, between you and me," corrected the advocate.

"Very good," said Sterner; "let us put it in that way. Will you, or will you not?"

"I will not," answered the advocate, striking the table lightly.

Sterner sat a moment as though in thought; then he asked: "Why not?"

"Among other things, because I don't believe Saarbrücken murdered Faringdon, and a transaction such as that you propose would put him in a false light."

"This is something new," remarked Sterner.

"But decisive," concluded the advocate; he had

made up his mind. It was his plan in a difficult situation to let his opponent take the offensive. Now it was Sterner's turn.

Sterner bent slightly forward, playing with his glasses.

"As you see, Mr. Rosenthal, we don't avoid a discussion of the case itself. I can understand very well that after your exceedingly able defence you feel like a man who has won a victory, and that you think yourself in a position to dictate terms to the defeated, in this case, to *me*. Perhaps I need not tell you that I do not grudge you your victory, and that I place myself above the feeling of displeasure which is a very natural consequence of hearing one's intimate affairs set forth in a false light—when I say false I don't mean consciously false, I simply mean that you could not know the real facts, and in any case I shall not dwell on this.

X "I acknowledge that your double set of circumstantial evidence was a good idea, and I am convinced that it will be of great value to the accused—in that respect it only fulfils its purpose. As an attack upon me it is to a certain extent effective, but let me say at once, only to a certain extent. I have not undertaken to refute your circumstantial evidence, and I shall not undertake it; but there is a new point in the case which must be touched upon, and it is clear to me that at the next sitting of the court I shall have to speak. I am too old a magis-

trate to let a case end with a negative result. Before this trial is finished it must be established who was the murderer of Lord Faringdon."

Rosenthal shrugged his shoulders. "That is no task of mine; mine is more limited. All I have to do is to get Saarbrücken acquitted. Many riddles remain unsolved in the history of crime; I am quite content to let the Homburg riddle take its place among the rest."

"I dare say you are," said Sterner; "but at least you must allow me to develop your speech for the defence a little further in a positive direction, and then perhaps you will see how far you have really ventured, especially if we confine ourselves to what I may call the financial side of the question."

"You know, Herr Rosenthal, that I don't believe in Lombroso; these fables about criminally-disposed persons are so much metaphysical nonsense, which should be shelved along with predestination and original sin and so on. I have, however, come across an Italian, whom I am going to tell you about, leaving you to draw what conclusions you like from my story. He was a magistrate like myself, a promising and respected man, but poor. He was determined to be rich. He had a mistress, who had been seduced by a wealthy landowner in Sicily. To hush up the scandal this landowner got the girl married to another proprietor in the same part. My friend now made a plan that would have interested Lombroso. He contrived to make the landowner's

acquaintance and won his friendship. He used his influence to get the landowner to make the young lady his sole heiress, so as to cheat his family of their inheritance—a feature that often appears, and that you have certainly met with too. Very well, after that he got, through the same man's influence, the post of magistrate in the province where his friends lived. I shall not tire you with a long story; the landowner was murdered, and through the magistrate's energy so much circumstantial evidence was marshalled against the young lady's husband, the other landed proprietor, that he was condemned for murder. The poor wretch could not afford to employ a good counsel; every one in the province was on the side of the magistrate and the wealthy heiress. How it would have gone in Germany, I will not pretend to say. The end of it was that the poor fellow was transported and the young lady married my friend."

The advocate was boiling with rage, but he held himself in: "And I suppose you want me to translate this cock-and-bull story into German?" he said, as coolly as he was able.

Sterner smiled: "A cock-and-bull story? No, it really happened; the magistrate's name was Tito Marchesi, and he still lives at the expense of the State in an over-sea colony for unwilling colonists. The fact is, Italian ladies are not so very stable in their love. He quarrelled with his wife, and she informed on him. She has regretted it, though, for she lost

her fortune and her liberty at the same time. If you do not believe me, you may inquire about the case, which is sufficiently well known. You barristers ought to be more zealous in your study of foreign cases. Just think, Herr Rosenthal, what a success this story would have made in a certain case in which we were both interested!"

"Blackguard!" hissed the advocate, moving a step nearer to the door of the outer office.

Sterner had risen and stood with crossed arms: "You are getting too warm, Herr Rosenthal. You are mistaken if you think I intend anything with this story except to draw your attention to what the English courts might be inclined to think, if Frau Saarbrücken and I, to whom everything but our future happiness is absolutely indifferent, were to translate the story I have just told into German or English and connect it with ourselves. You have never been magistrate, otherwise you would know that the enthralling thing about that position consists precisely in the contrast between the great uncertainty and the little word 'confession.' Everything may be believed, everything may be doubted, but confession is binding. Especially voluntary confession. I leave it entirely to you to make your choice, but I beg you to tell Herr Saarbrücken everything I have told you, and as you must confess that you are just as far off as ever from knowing with certainty who is the murderer of Lord Faringdon, you might perhaps gain at least one step forward

through a sensible conversation with Herr Saarbrücken.

"I have dwelt on this somewhat at length, so that you may see how the land lies since your great victory in court—a victory which can only command fresh admiration."

Sterner smiled; Rosenthal's eyes rested on him with a sharp, penetrating glance. The advocate collected himself. He too smiled, the fine, wise smile of an Oriental sage.

"I beg your pardon, Dr. Sterner, you are right. I enjoyed my triumph too early. I never thought it necessary to tell *you* that I did not suspect you of being a murderer."

"Don't mention it," interrupted Sterner; "it makes no difference; it is the world's opinion, not yours, that matters."

"Well, let us say, of being a stupid murderer," said Rosenthal with some irritation. "But, as I was saying, I did not suspect you. An advocate is bound to take a one-sided view. It was my business to save Saarbrücken. I did it. Won't you sit down?"

Sterner bowed and took his seat again. "I only want you to understand, Herr Rosenthal, that this position is untenable. You have gained a formal victory, but in reality you have lost. Your client has no real interest in anything but a definite settlement."

"Oh," interrupted the advocate; "I saved his head, you know."

"Quite so," continued Sterner with a smile. "But

I wonder whether, after all, Moritz Rosenthal & Co. have not paid too much for that head?"

The advocate pretended not to have understood.

Sterner spoke again. "Herr Rosenthal," he said, "you are a sensible man; will you make a bargain?"

"If you will lay your cards on the table—perhaps!" was Rosenthal's answer.

"Very well," said Sterner. "I am not so fond of money as you gave the public to understand in your eloquent speech. Not now, in any case, since I have grown older, and my course, in spite of your late eloquence, is quite clear before me. I will not disappoint your confidence, but on the other hand I will not give that blackguard Saarbrücken more than is absolutely necessary."

"You ought not to use such language about my client," said the advocate mildly; "even if you look upon him as a murderer."

Sterner smiled. "Well, we need not quarrel about words, in private anyhow. You cannot possibly be ignorant of the fact that the situation created by your eloquence makes the case an extremely difficult one, from the point of view of civil law. And even from that of criminal law it is very unsatisfactory for every one except Saarbrücken and you as his counsel. For you as representative of Moritz Rosenthal & Co. it is by no means so pleasant. Now mark well what I say. I am going to offer to help you to find a clearer issue for the case; I offer to address the court to-morrow and propose a new hypothesis,

which perhaps contains the final certainty—the positive truth.”

The advocate pricked up his ears. What on earth was the man driving at?

“I might have thought,” said Sterner in a very friendly tone—“that you would have accepted a less dramatic, more humdrum method, a method which in fact was not so very far to seek. No matter—the case would have been far less interesting, your success—I acknowledge that it was a success—would have been less brilliant for the moment, but the whole affair would have gained in clearness. You have now established that either Saarbrücken or I might have murdered Lord Faringdon. I say nothing to that. As Saarbrücken will probably be acquitted and I am not likely to be convicted, it only means that the case has not been advanced a single step since the day they found the murdered lord’s body. And it must be admitted that in spite of brilliant details, that is a somewhat meagre result. Don’t you think so?”

“It’s no business of mine,” said the advocate with slight annoyance.

Sterner continued: “I myself have been following up another line, and perhaps it will interest you a little. Not so much as the line you chose yourself, because to put it mildly it places your client in a rather unfavourable light. But you must admit that the halo you have thrown round him can’t be kept up. Let us see him as he is. The world soon finds

out people of his stamp. You say that on the fatal evening Saarbrücken had an appointment with a lady. You thought it was nice of him not to betray her, but you nevertheless considered it necessary to inquire her name, didn't you?"

Rosenthal nodded. "On that point I am professionally engaged to secrecy."

"There is no necessity for you to reveal the professional secret. For I believe I know who the lady is. And, to be brief—it is Madame Giulia Delphini."

Rosenthal gave a start—but said nothing.

"There, you see," said Sterner. "May I now tell you what I have hitherto concealed for the same reasons that I mentioned in court, though I cannot flatter myself that my address found such a ready echo among the audience as yours did. Lord Faringdon confided to me that evening, while I was driving him from Cronberg to Homburg, that he had an assignation. It had been his intention to see Frau Saarbrücken, but this obliging gentleman put his assignation before the important affair that brought him to Falkenstein. He further confided to me that his friend Saarbrücken, after they had come to their agreement, had promised to keep the husband out of the way and in fact to arrange the meeting for him. That was what made Lord Faringdon so well disposed towards Saarbrücken. I have believed hitherto that Saarbrücken enticed Lord Faringdon into a trap, and then murdered him himself. I am now

willing to admit the possibility of another hypothesis, namely, that Saarbrücken certainly enticed Lord Faringdon into a trap, but that it was the lady's husband, Signor Delphini, who accomplished the deed. And as we here have to deal with a wronged husband, we can perhaps say manslaughter instead of murder.—That is my line."

While Sterner was speaking, the advocate became uneasy; he rose and walked nervously up and down the room. Then he stopped suddenly.

"You can scarcely ask me, as counsel for the defence, to accept the consequences of this perfectly gratuitous hypothesis."

Sterner shrugged his shoulders. "I don't ask any such thing; you mustn't think I am trying in the least to influence you with regard to your position as defending counsel. I came to talk about the financial question. And I still stand by Frau Saarbrücken's offer. This is a genuine solution of the murder case, which I thought it best to put before you, to show you the expediency of our coming to an understanding.

"When I rise to-morrow in court, you will hear this hypothesis—and it will be supplemented by something uncommonly like positive proof. I too have been busy lately, and it is by no means certain that I should not have intervened in some way or other, even if I had not been challenged to do so by your very effective defence."

Rosenthal was nervous.

Sterner smiled. "I dare say you would like to talk to your client about this; after all, he is the one who best knows the rights of it. As I said before, I stand by my offer, and I heartily wish you good luck with the efforts you will doubtless make to win your client's full confidence."

When the two men parted soon after, Rosenthal thought it was Sterner that had come off best. And he immediately drove to the prison; where, against the rules, he spent a great part of the night in conversation with Saarbrücken.

CHAPTER NINE

IMMEDIATELY after the opening of the next sitting of the court, Dr. Sterner was called upon and rose to speak amid audible signs of displeasure.

“ I shall not return to the question, whether I acted rightly or wrongly in not communicating to Dr. Braun the fact that I drove Lord Faringdon on the night of the murder from Cronberg to the old town gate at Homburg. Dr. Braun knows that I discussed at length the question of the importance of establishing where Lord Faringdon had been and when he had come home. I did that just as much for my own sake as for his. If in the course of that conversation any new points had arisen, which showed it to be my duty to speak, I should have spoken.

“ No such points arose, and I kept silence.

“ It is otherwise with the question I am now going to touch upon, which has quite another importance for the case. At the very beginning of the investigation attention was called to the tenants of the little cottage in the Park, Signor Delphini and his wife. They had left, no one knew where they had gone. I examined their servant, Nathalia Stolzi, and heard

from her a statement against the accused which threw into the shade all the other statements of this witness. I was justified in not suspecting these people; I did not neglect the point, I had enquiries made about them in the place they came from, and the results were such as to remove all suspicion—that I then felt. I called my colleague's attention to this; he has not pursued my enquiries, and I cannot criticise him for not doing so. I myself, in my private capacity, have carried these investigations further; on the same day as this trial opened I returned from Italy with information upon this matter which I intended to lay before the court before the jury considered their verdict. And it is this information I now propose to produce.

“Before I do so I will make just one remark. I have emphasised the fact that I saw no reason for acquainting Dr. Braun with my having brought Lord Faringdon back to Homburg. I still insist that I acted rightly. It will seem strange that I should now reveal another concealed fact, which appears much graver than the first.”

There was breathless silence in court; nothing was heard but the scratching of the reporters' pencils on the paper.

Sterner continued: “Lord Faringdon, who was talking to me of divorce matters, did me the undeserved honour of informing me that he had been obliged to give up finding Frau Saarbrücken, because he had appointed to meet a lady at a certain time and

place. He did not tell me the lady's name, nor did he mention the time or place; but on the other hand he told me that Saarbrücken in this matter had done him what he called a friendly service, by undertaking to keep the husband out of the way and thus facilitate the meeting. I did not get the impression that the meeting was of a very grave character—on the contrary; and I did not give the matter another thought, until I heard the news of Lord Faringdon's death.

“It then became clear to me that Saarbrücken had enticed his friend into a trap, and at first it did not occur to me to connect this trap with any real persons, such as the lady mentioned by Lord Faringdon. I looked upon her as a fictitious person, invented by Saarbrücken for his criminal purpose.

“That was my view at the beginning of the case—I tried several times to get Saarbrücken to admit the trap. My last examination of him will certainly be found to contain a question on this point.

“He obstinately refused to answer me.

“I then altered my opinion and assumed that a real person was concerned; and my thoughts fell quite naturally on the Delphini couple. From motives of precaution I did not mention their name; I did not wish it brought forward publicly at this stage of the case. I retired from the case without doing more than earnestly drawing my colleague's attention to the tenants of the cottage.

"I was requested by the wife of the accused to remain outside the case, and I retired from it for this reason, not to spare anyone, but because no one may rightly be judge in his own case; and the feelings this affair called up in me—I venture to say here, before this assembly—had made it *my own case*. The man whom I as examining magistrate had to convict, stands between me and the woman I love.

"I withdrew from the case when it became clear to me that, in spite of all that had happened, or perhaps rather because of all that had happened, I loved this woman. I venture to assert that I acted rightly. And if I did not give a full explanation of all this to the magistrate who followed me, a man I respect and honour, but who is personally a stranger to me, it was because I would not give expression to my suspicion that Saarbrücken had enticed Lord Faringdon into a trap, until this had become more than a suspicion, a certainty supported by facts.

"That time, gentlemen, has now come, and therefore I speak out, as a party in my own case, and not as a magistrate."

A murmur went through the audience; all eyes were turned to Sterner, as he stood there upright and calm; he had regained their confidence, everyone was for *him*.

He went on. "I made use of my time, after I had retired from the case, to trace the Delphini couple. A few days ago I succeeded; I found the husband, stood face to face with him, but it was in a cell of a

lunatic asylum; his mind was darkened and I did not speak to him.

“The doctors could give me no direct information, and whether any information is to be obtained must be a question for our foreign office to settle with the Italian authorities. I think it is very doubtful.—I did not require information; I learnt that the beautiful young wife was dead, that her husband had seen her fall from one of the high Alps in the Grisons, into a crevasse, where she was found with her head shattered. I say, I did not require further information, because in this court there stands a man—that man there in the dock—who can answer if you question him, Mr. President. Was the woman with whom Saarbrücken spent an hour on the night of July 7th Madame Giulia Delphini?—was the woman Lord Faringdon was to meet in the Park that night Madame Giulia Delphini?—and was the husband Saarbrücken was to keep out of the way Signor Delphini, now a madman, by whose hand Lord Faringdon died? Let the accused answer these questions!”

Sterner ceased speaking and resumed his seat.

The eyes of all were turned upon the accused; Saarbrücken had sunk back in his seat, pale as a corpse and trembling.

Rosenthal sprang up: “May I address the court, Mr. President?”

He was given leave to speak.

Rosenthal was no longer the smiling advocate, who the day before had played with words and won the

applause of the crowd. He was now a serious man, who knew what was at stake; a man who had come to a resolution; a man who had weighed every word he was to speak, not to angle for applause, but to do his duty in saving a man's life.

"Gentlemen of the jury," he began; "I bow to the last honoured speaker. Dr. Sterner is not only an ornament to the legal profession, to the bench of magistrates, to which he belongs; he is an ornament to our German society, a knight without fear and without reproach. He has not spoken without giving me warning; knowing that the fate of a human being is at stake, he has given me an opportunity of addressing those questions to the accused, which he has just asked the President to put.

"I have asked, and I have received an answer.

"The man who murdered Lord Faringdon was Signor Delphini."

Again there was sensation in court, and hands were angrily shaken at the accused, who still sat in the dock in a state of dull collapse.

Rosenthal raised his hand in deprecation. "Judge not, judge not, until the jury have spoken. German law gives the accused full right to speak frankly to his counsel, and his counsel is not empowered to repeat his words. What Helmuth Saarbrücken has told me about that night, will not go beyond my lips. Madame Giulia Delphini is dead, her reputation must be without blemish, since nothing is known that can give anyone a right to accuse her of any action

that would put a stain on her name. Higher Powers have removed her husband from the ranks of responsible beings; we must have compassion on the fearful fate that has overtaken him.

“But Helmuth Saarbrücken stands here accused, and the accusation against him is now stronger than ever before: I feel it in the atmosphere and I can read it in the faces that are now turned towards him.

“Judge not!

“Helmuth Saarbrücken has told me that he did not entice Lord Faringdon into a trap; that he did not hear of what had happened until the next day; and that, when he met the witness, Stolzi, in the Park, he was waiting about to prevent what must have happened a short time before.”

A loud hissing followed the advocate's words. The President had to interfere, but the noise increased, and it was not till he threatened to have the court cleared that the excitement subsided.

Rosenthal continued in a firm and authoritative tone:

“It is a maxim of German law that no one can be condemned on loose suppositions alone. There is nothing in the case to disprove what I have just stated. On this point we have no right without a shadow of evidence to throw doubt on a man's words. But even otherwise, even if you, gentlemen of the jury, were convinced that Saarbrücken told Delphini that his friend was going to meet Madame Delphini, then in that case Saarbrücken would certainly have

been guilty of shameful treachery to the man he called his friend—but the question you are called upon to answer, gentlemen, is this: Is Helmuth Saarbrücken guilty of the murder of Lord Faringdon?

“And that question can only be answered by *No*.

“Whether it was his object to bring about Lord Faringdon's death and whether by betraying the assignation to the jealous husband he wished to make the latter use his weapon against the man he wanted to see removed, is an entirely different question from that which lies before you, and a question that cannot be decided in this trial upon the basis of the information that has been obtained.

“It can never be decided; if Dr. Sterner is right, Signor Delphini is now unable to explain his actions, much less his motives and the influence of others upon them; and his wife is dead.

“It would be possible to get up a new case against Helmuth Saarbrücken on a new foundation of evidence—but I doubt very much whether that will ever be done. One thing I know: when the question now before you comes to be decided, your answer, gentlemen, must be *Not Guilty*.”

Rosenthal sat down, and again there was a great noise in court, which did not quiet down until the President called upon the Public Prosecutor to speak.

Dr. Hagemeister rose slowly and solemnly. He was angry with Sterner for making Rosenthal's task easy, and for having at the same time piled up difficulties for himself. In a few words he desired the

question before the jury altered after what had transpired, and the question of the completeness of the evidence taken up again. It was obvious that the case was now wholly in the domain of legal technicalities; its deep human interest was clear to all.

Rosenthal demanded that the case should be proceeded with without alteration, and the President called upon the accused.

Saarbrücken rose.

"Helmuth Saarbrücken, do you wish to add anything to what your counsel has advanced?"

Saarbrücken answered the question by a simple No.

The court proceeded to discuss the question, and arrived at the result that the fresh facts did not in themselves contain circumstances that furnished further proof of the accused being guilty of the murder, and that from what had been laid before the court they were not justified in postponing the decision of the question before the jury; especially as the new points were of an uncertain nature and did not offer possibilities of wording the question differently from the form in which it lay before the jury.

After this ruling the President summed up in a short speech to the jury. He acknowledged that the evidence produced by the prosecution was incomplete, and even reminded them that, supposing this evidence still possessed its full force, there had yet been a moment in the course of the trial when everyone could see that in spite of the circumstantial evidence, anyone else—nay, even the magistrate who had had

the case in hand, and perhaps he more than others—might have committed the crime. That suspicion had again fallen upon the accused was due not to the production of fresh evidence, for no evidence in the strict sense of the term had been adduced, but to the circumstance that it might be supposed that another had committed the deed under such conditions that the accused might be said to have brought on himself the suspicion of having desired the deed and done nothing to prevent it.

“Gentlemen of the jury,” he added; “the great decisive question, then, is this: does what is now adduced come under the question that is before you? in other words—is this fresh point that has been introduced into the case—the suspicion that the accused enticed the murdered man into a trap and that the murder was accomplished by a third party—of such a nature that we can say that, if confirmed, it justifies a verdict of guilty? Let me tell you at once, it evidently does *not* come under the question before you. What you have to decide upon your honour and conscience is whether you must suppose Helmuth Saarbrücken to have given Lord Faringdon the fatal blow. If the evidence for the prosecution is sufficient, you can convict upon it. But if in order to convict you are obliged to resort to the new material that has been brought forward to-day, then at the most you can only suspect that the accused *desired* Lord Faringdon’s death, that he found a method by which it could be accomplished without his direct action;

but this is not enough to decide the question before you. For this can only be understood thus: *did Saarbrücken murder Lord Faringdon?*

“And that is just what none of you in such case could believe.

“This deed is shrouded in darkness, the proceedings of the court have brought no light to bear upon it; on the contrary, they have had the result that probably it can never be fully brought to light. There is nothing to prevent a new case being raised; but the question we have to decide must be answered without reference to what may possibly come out in a new case. You must not, gentlemen, allow yourselves to be blinded by the glare of villainy that seems to surround a man who would use the uncontrollable wrath of a wronged husband as a means of attaining his end and getting another man out of the way. In the first place it has not been proved; in the second, this question certainly does not coincide with that which is put to you.

“It depends upon the accused, whether at this stage of the case he wishes to have the evidence supplemented. He does not wish it.

“Now it is for you to speak, after taking due note of these words of mine.”

While the President was speaking everyone felt that the accused was already acquitted; for however great was the indignation against Saarbrücken among the audience, there was not one of those present who would have dared to find him guilty of Lord Far-

ingdon's murder after what had come out in the course of the trial.

And thus it happened that this trial, looked forward to with such eager excitement, came to its conclusion without any dramatic effect, without the traditional silence of expectation, without the solemn horror of the verdict and sentence, but quietly, almost as a matter of course, by Saarbrücken being found by the jury *Not guilty* of the murder of Lord Faringdon.

CHAPTER TEN

IN an old Frankish bow-window in the anteroom of the court stood Isidor Rosenthal deeply engaged in conversation with Dr. Sterner.

Sterner had been congratulating the advocate, for the result meant that he had won his case. Rosenthal smiled as he answered: "The triumph was bigger yesterday than to-day. You took the palm from me when you stood up and gave your final summary."

"That doesn't matter," said Sterner. "It was you who saved Saarbrücken's neck, for if my information had stood alone, without your annihilating criticism of the circumstantial evidence, the man would have been condemned. It only shows, to my mind, that trial by jury is an invention of the devil; for no trained lawyer would take it into his head to convict a man on the strength of what was brought against Saarbrücken. It is quite another question that I am still convinced that the man has been guilty of a piece of villainy, an action even lower than if he had used the dagger."

Rosenthal shook his head.

"I believe you do him an injustice. As you very properly remark, no lawyer would have convicted

him, and I can scarcely believe any jury would have done so—no English or German jury, in any case—what Frenchmen or Italians might have done, there's no knowing. Probably they would have convicted Saarbrücken and acquitted Delphini, or done something equally whimsical. But I am not quite sure that Saarbrücken did wish for Lord Faringdon's death. You see, I was with him last night, and I can tell you, I didn't go for him with the gloves on. It is true that he arranged the assignation; it is also true that he wanted to get Lord Faringdon into a mess; it was a low trick, and it can't be defended. He says he wanted to use the story to give him a hold on Faringdon, so as to get the divorce business either put off or arranged more to his liking. But he assures me, and from the fellow's whole demeanour, I could scarcely help believing him, that he never imagined for a moment that this confounded Italian would resort to bloodshed right away.

“Saarbrücken asserts that after leaving the Italian at the concert—it was the Italian he was talking to there—he went up to his room; then he became uneasy and went out; for, you see, he was expecting Faringdon to come back after his little surprise, and when he didn't come, Saarbrücken went to Delphini's. The Italian opened the door himself and abused him for coming and disturbing him for nothing. Then, when Lord Faringdon was found murdered, Saarbrücken kept quiet about the whole story, which of course didn't redound much to his credit,

and bore his imprisonment like a good boy, until I came and shook him up.—Yes, I'm inclined to believe his story. Saarbrücken's a German, and Delphini's an Italian."

Sterner shook his head. "I may be wrong; as I said, it's *my own case*. I may be wrong, but do you think Saarbrücken would have gone to the scaffold with his mouth shut, if he had been condemned?"

The advocate smiled a really beaming smile.

"No, Dr. Sterner, I don't think so; for I told him last night that if he wasn't speaking the truth his head would fall here in the prison-yard."

"That need not mean that he is innocent. If the facts were as Saarbrücken says, and as you—in any case *appear* to believe, if this man, who in that case is innocent and who is the only one besides the murderer that knows what happened, has kept silence and borne his long imprisonment and the prospect, which seemed pretty near at one time, of being condemned to death, all because it would look rather bad that he, Lord Faringdon's friend, had betrayed the love affair to the wronged husband—a love affair which was innocent into the bargain—no, you won't get me to believe that. And let me add—you don't believe it yourself either. Saarbrücken is lying. You have saved his neck. As to the question of the legacy, Frau Saarbrücken abides by her offer; but you must admit that after what has happened, she cannot very well be expected to bear that man's name for many days longer."

Rosenthal bit his underlip.

"Are you going to carry the case further?"

"No," said Sterner; "it cannot be carried further. It cannot be cleared up. Morally speaking, Saarbrücken is a dead man, judicially he cannot be convicted. And I shall take leave to suppose that you, my able opponent, if you will be honest with yourself, cannot believe any more than I can in your unworthy client. As to the legacy, we are already agreed."

Sterner held out his hand to the advocate.

"I am at your service," said Rosenthal, as he took Sterner's hand. "The most profitable result this trial has brought me is my nearer acquaintance with you."

Sterner laughed. "I might be tempted to say something equally polite, but . . ."

The advocate interrupted. "I don't want that. Your advantage lies in your having won *your own case*."

CONCLUSION

SIR LONGLAND HEARNE had a country house in the Isle of Wight, with an outlook over Cowes Roads and the green woods by Southampton Water. The garden came down to the water, and at a little distance from the shore lay the German cutter *Alerte*, one fine summer's day, rocking like a swan under its proud rigging.

Under the verandah of the house stood the *Alerte's* owner, Dr. Fritz Sterner, and his young wife, newly married, on their wedding tour and on a visit to the owner of the house.

Sterner was browned by the sea air and Lizzie's eyes gleamed with happiness.

Now they two had come into port.

And that is really all that remains to tell. A year had passed since the assizes at Frankfort-on-the-Main had concluded the case against Saarbrücken. The Italian Government had refused to extradite the banker Delphini, for the excellent reason that he was already under lock and key in a lunatic asylum. He had been taken there immediately after a visit to Switzerland, during which he had had the misfortune to lose his young wife, who had fallen from a

precipice in the Graubünden Alps. The German as well as the Italian papers had a good deal to say about this case. Its direct effect was to bring about a liquidation of the firm of Fürste & Wienecke of Frankfort, whose head, Helmuth Saarbrücken, had already departed for South America, after being divorced from his wife.

Indirectly it had brought promotion and permanent happiness to Dr. Fritz Sterner.

To Isidor Rosenthal it had brought some private satisfaction and much public distinction. Only for the eighth Baron Faringdon and his family at Roxley were its effects painful. Mr. Wells consoled himself in other ways.

Sir Longland talked in his quiet and serious way to his guests of the troublous days at Homburg vor der Höhe. But Frau Lizzie Sterner stood listening in silence, while her eyes shone lovingly upon her husband.

Sterner, on the other hand, took the opportunity of summing up the matter in a generalisation. This had become a habit with him now, since he seldom met with contradiction.

"I have had a lesson, Sir Longland," he said, "never to follow up one clue to the exclusion of others, never to let go a task that has been once begun, and, in addition, a profound contempt for circumstantial evidence. I intend before long, if my wife will allow me the time, to publish a work on the absolute untrustworthiness of circum-

stantial evidence and a proposal for the abolition of the jury."

Sir Longland Hearne smiled. "So you want to see a sort of judicial absolutism introduced?"

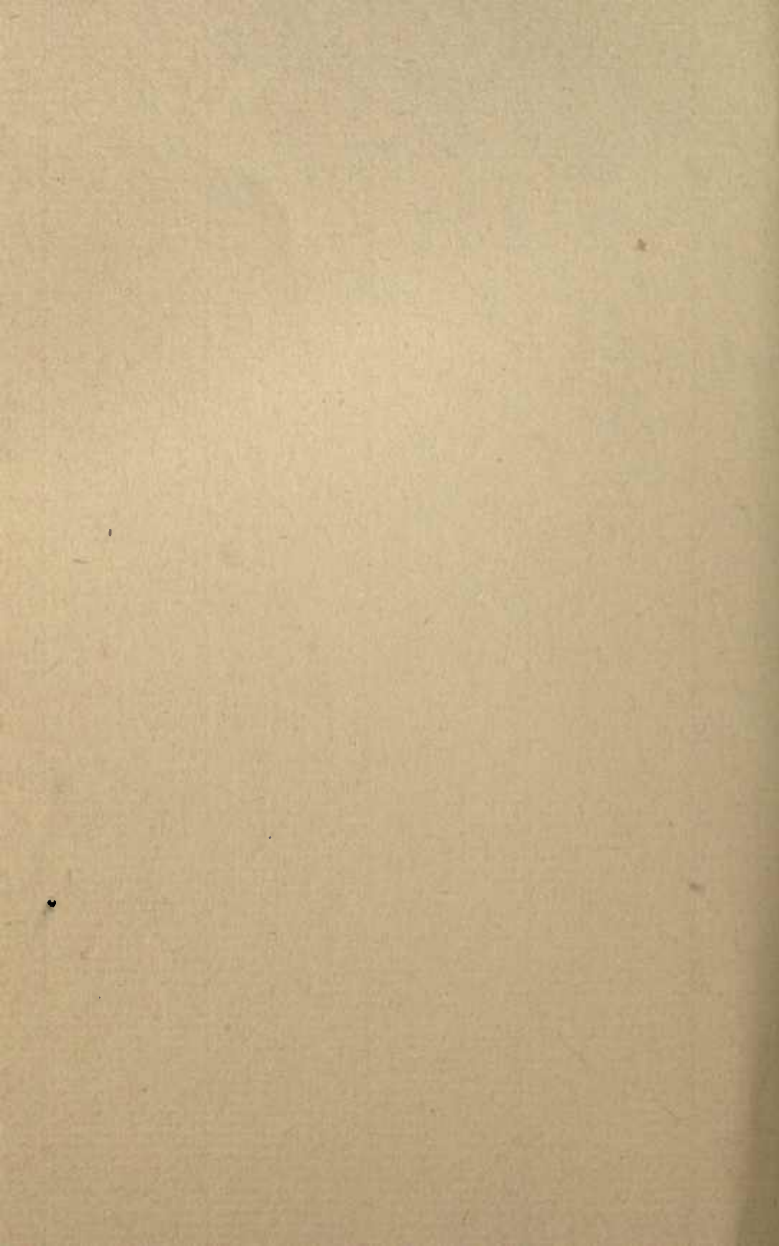
"Perhaps," said Sterner. "I should prefer to abolish all criminal tribunals; but as I suppose that to be impracticable at present, I would suggest that only the very cleverest, most experienced, and in every way most distinguished lawyers to be found should be appointed judges, after having shown by a long and honourable life that they are devoid of all foolishness and incapable of loving any woman—not even their own wives."

"Well, that means that you are going to retire, doesn't it?" said Lizzie with a smile.

"It amounts to that," replied Sterner.

THE END





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